

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 46

BY REPRESENTATIVE PEARSON

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to direct the printer of the Louisiana Revised Statutes to stop printing unconstitutional statutory language relative to the cash balance plan for some state retirement systems.

WHEREAS, the legislature enacted Act No. 483 of the 2012 Regular Session of the Legislature of Louisiana, creating a cash balance retirement plan; and

WHEREAS, *Retired State Employees Association v. State*, 119 So.3d 568 (La., 2013) affirmed the district court finding that Act No. 483 of the 2012 Regular Session of the Legislature of Louisiana was enacted in violation of La. Const. Art. X, §29(F); and

WHEREAS, the printer of the Louisiana Revised Statutes continues to print statutory provisions as enacted by Act No. 483 of the 2012 Regular Session of the Legislature of Louisiana and continues to print headnotes indicating that affected Sections were enacted in violation of La. Const. Art. X, §29(F); and

WHEREAS, some affected Sections have been subsequently amended to remove the unconstitutional portions, thus rendering the headnote confusing to a user of the statutes.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to direct the printer of the Louisiana Revised Statutes to stop printing the language added by Act No. 483 of the 2012 Regular Session of the Legislature of Louisiana to R.S. 11:62 (4)(introductory paragraph), (5)(introductory paragraph), and (11)(introductory paragraph) as follows:

La. R.S. 11:62 Employee contribution rates established

Employee contributions to state and statewide public retirement systems shall be paid at the following rates, except as otherwise provided by law:

\* \* \*

(4) Louisiana School Employees' Retirement System ~~members in Tier 1:~~

\* \* \*

(5) Louisiana State Employees' Retirement System ~~members in Tier 1:~~

\* \* \*

(11) Teachers' Retirement System of Louisiana ~~members in Tier 1:~~

\* \* \*

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to direct the printer of the Louisiana Revised Statutes to stop printing, in their entirety, R.S. 11:62(4.1), (5.1), and (11.1) and 1399.1 through 1399.7 as enacted by Act No. 483 of the 2012 Regular Session of the Legislature of Louisiana.

BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge and request that the printer of the Louisiana Revised Statutes stop printing the headnote regarding *Retired State Employees Association v. State*, 119 So.3d 568 (La., 2013) that appears at R.S. 11:62, 102, 542, 883.1, and 1145.1.

BE IT FURTHER RESOLVED that two suitable copies of this Resolution be transmitted to the Louisiana State Law Institute and that the Louisiana State Law Institute forward a copy of this Resolution to the printer of the Louisiana Revised Statutes.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE