
DIGEST

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Schneider

HB No. 63

Abstract: Allows an active public employee who has or is participating in a Deferred Retirement Option Plan (DROP) of a public retirement system to withdraw funds from his account without leaving employment under specific circumstances.

Present law generally provides that no disbursements from a public employee's retirement system DROP account may be made until the employee terminates employment making him eligible for system membership.

Proposed law allows withdrawal of funds from DROP accounts by active employees under specified circumstances, as follows:

- (1) The employee's principal domicile on Aug. 28, 2005, was located in a parish designated under the Robert T. Stafford Disaster Relief and Emergency Assistance Act as eligible for individual assistance or individual assistance and public assistance, namely the parishes of Acadia, Ascension, Assumption, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Pointe Coupee, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Mary, St. Martin, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana.
- (2) The employee sustained an economic loss by reason of Hurricane Katrina.
- (3) The aggregate amount of such distributions from the account does not exceed \$100,000.
- (4) Any distribution is made on or after Aug. 25, 2005, and on or before Dec. 31, 2006.

Proposed law provides that if, pursuant to proposed law, an individual receives a qualified Hurricane Katrina distribution, the amount of such distribution shall be included in income by the retirement system, generally ratable over the year of distribution and the following two years in accordance with the Katrina Emergency Tax Relief Act of 2005 (the Act), unless the individual elects in writing not to have the ratable distribution apply for any taxable year. Further provides that the individual shall be responsible for filing an amended tax return(s) to claim a refund of the tax attributable to the amount previously included in income if the individual so qualifies under the Act. Further provides that each retirement system will be responsible for informing an individual receiving a Hurricane Katrina distribution of possible state and federal tax consequences.

Proposed law further provides that each public retirement system to which proposed law applies shall promulgate any rules necessary to implement the provisions of proposed law.

Proposed law provides that it supersedes any provision of present law to the contrary, including but not limited to specified provisions.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 11:321)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Requires each retirement system to inform an individual receiving a Hurricane Katrina distribution of possible state and federal tax consequences.