

Regular Session, 2013

SENATE BILL NO. 5

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUDGES. Constitutional amendment to remove the mandatory retirement age of judges.  
(2/3 – CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article V, Section 23 of the Constitution of Louisiana, relative to  
3 retirement of judges; to remove the mandatory retirement age of judges; and to  
4 specify an election for submission of the proposition to electors and provide a ballot  
5 proposition.

6 Notice of intention to introduce this Act has been published.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
8 elected to each house concurring, that there shall be submitted to the electors of the state, for  
9 their approval or rejection in the manner provided by law, a proposal to amend Article V,  
10 Section 23 of the Constitution of Louisiana, to read as follows:

11 Section 23. ~~(A)~~ Retirement System. Within two years after the effective date  
12 of this constitution, the legislature shall provide for a retirement system for judges  
13 which shall apply to a judge taking office after the effective date of the law enacting  
14 the system and in which a judge in office at that time may elect to become a member,  
15 with credit for all prior years of judicial service and without contribution therefor.  
16 The retirement benefits and judicial service rights of a judge in office or retired on  
17 the effective date of this constitution shall not be diminished, nor shall the benefits

1 to which a surviving spouse is entitled to be reduced.

2 ~~(B) Mandatory Retirement. Except as otherwise provided in this Section, a~~  
3 ~~judge shall not remain in office beyond his seventieth birthday. A judge who attains~~  
4 ~~seventy years of age while serving a term of office shall be allowed to complete that~~  
5 ~~term of office.~~

6 Section 2. Be it further resolved that this proposed amendment shall be submitted  
7 to the electors of the state of Louisiana at the next available date of a statewide election or  
8 at the statewide election to be held on November 4, 2014, whichever occurs earlier.

9 Section 3. Be it further resolved that on the official ballot to be used at said election  
10 there shall be printed a proposition, upon which the electors of the state shall be permitted  
11 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
12 follows:

13 Do you support an amendment relative to retirement of judges to remove the  
14 current constitutional requirement that a judge shall not remain in office  
15 beyond his seventieth birthday? (Amends Article V, Section 23).

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The original instrument was prepared by Julie J. Baxter. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

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#### DIGEST

LaFleur (SB 5)

Present constitution relative to retirement of judges provides that within two years after the effective date of the constitution (midnight of Dec. 31, 1974), the legislature shall provide for a retirement system for judges which shall apply to a judge taking office after the effective date of the law enacting the system and in which a judge in office at that time may elect to become a member, with credit for all prior years of judicial service and without contribution therefor. The retirement benefits and judicial service rights of a judge in office or retired on the effective date of the constitution shall not be diminished, nor shall the benefits to which a surviving spouse is entitled be reduced.

Proposed constitutional amendment retains present language.

Present constitution further provides that, except as otherwise provided in the present constitution, a judge shall not remain in office beyond his 70<sup>th</sup> birthday. A judge who attains the age of 70 while serving a term of office shall be allowed to complete that term of office.

Proposed constitutional amendment deletes this language.

Provides for submission of the proposed amendment to the voters at the next available date of a statewide election or at the statewide election to be held on November 4, 2014, whichever occurs earlier.

(Amends Const. Art. V., Sec. 23).

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changes submission date from Nov. 4, 2014, to next available date of a statewide election or at the statewide election to be held on November 4, 2014, whichever occurs earlier.