

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 46

BY REPRESENTATIVE PEARSON

RETIREMENT SYSTEMS: Provides relative to the printing of certain statutes regarding public retirement systems that were unconstitutionally enacted

1 A CONCURRENT RESOLUTION

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

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

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

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

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

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

1 La. R.S. 11:62 Employee contribution rates established
2 Employee contributions to state and statewide public retirement systems shall
3 be paid at the following rates, except as otherwise provided by law:

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

6 * * *

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

8 * * *

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

10 * * *

11 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby
12 authorize and direct the Louisiana State Law Institute to direct the printer of the Louisiana
13 Revised Statutes to stop printing, in their entirety, R.S. 11:62(4.1), (5.1), and (11.1) and
14 1399.1 through 1399.7 as enacted by Act No. 483 of the 2012 Regular Session of the
15 Legislature of Louisiana.

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

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 46 Engrossed 2017 Regular Session Pearson

Authorizes and directs the La. State Law Institute to direct the printer of the La. Revised Statutes to stop printing the language added by Act No. 483 of the 2012 R.S., which created a cash balance plan for some La. retirement systems and which the La. Supreme Court held was unconstitutionally enacted. Further requests that the printer stop printing the headnote on sections that no longer include unconstitutionally enacted language.