



2013 Regular Legislative Session Update No. 2 April 1, 2013

Provided below is a list of filed bills to be considered during the 2013 Regular Legislative Session dealing with retirement issues. The list includes three bills of great importance to retired educators that are part of the package to implement Governor Jindal's tax swap proposal. They are House Bill Nos. 571, 639, and 653. These tax measures will be considered by the House Ways and Means Committee and the Senate Revenue and Fiscal Affairs Committee. The other pieces of legislation have been referred to the House and Senate Retirement Committees.

Three retirement bills that were pre-filed have been withdrawn from the files of the House of Representatives, and will not be considered. They are House Bill Nos. 33, 34, and 63.

All bills listed will be monitored by LRTA during the upcoming legislative session. The session begins at 12 noon on Monday, April 8. The LRTA Executive Board will review this list and take a position on each piece of legislation at its meeting to be held in conjunction with the LRTA Spring Meeting. The date of the Executive Board meeting is April 23, 2013.

House Bill No. 33 by Representative J. Kevin Pearson

This bill provides that if any employing agency is authorized by law to terminate its participation in the Teachers' Retirement System of Louisiana, the employing agency shall remit to the retirement system its share of any unfunded accrued liability resulting from participation of its employees in the pension plan existing on June 30 immediately prior to the date of the employing agency's termination of plan participation. The effective date of the legislation is June 30, 2013.

This pre-bill has been withdrawn from the files of the House of Representatives and will not be considered.

House Bill No. 34 by Representative Regina A. Barrow

This bill allows members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana who are employed by a state hospital, and whose jobs are affected by a layoff plan approved by the Civil Service Commission or by the director of the Department of Civil Service, to transfer, regardless of age, an amount equal to accrued benefits in the system to another qualified plan or retirement account. The effective date of the legislation is June 7, 2013, or on the day following approval by the legislature, whichever is later. The bill sunsets after three years.

This pre-bill has been withdrawn from the files of the House of Representatives and will not be considered.

House Bill No. 35 by Representative Regina A. Barrow

This bill allows members of the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana who are employed by a state hospital, and whose jobs are affected by a layoff plan approved by the Civil Service Commission or by the director of the Department of Civil Service, to retire with 25 years of service at any age without any actuarial reduction in the benefit resulting from early retirement. The effective date of the legislation is June 7, 2013, or on the day following approval by the legislature, whichever is later. The bill sunsets after three years.

House Bill No. 53 by Representative Alan Seabaugh

This bill repeals the provision requiring that employees of the Louisiana High School Athletic Association be members of the Teachers' Retirement System of Louisiana. The bill further stipulates that any current or deferred vested member shall have membership terminated on the effective date of the legislation, and that terminated members shall be eligible for a refund of employee contributions attributable to service credited with the system at the time of termination. The effective date of the legislation is upon signature by the governor or upon expiration of the time for bills to become law without signature by the governor.

House Bill No. 57 by Representative J. Kevin Pearson

This bill provides for funding and benefit computation for the four state retirement systems:

- Louisiana State Employees' Retirement System
- Teachers' Retirement System of Louisiana
- Louisiana School Employees' Retirement System
- Louisiana State Police Retirement System

Beginning July 1, 2015, all members of each of the retirement systems shall pay an additional 1.0% of salary to their respective system.

Beginning July 1, 2017, all members of each of the retirement systems shall pay an additional 1.0% of salary to their respective system.

The bill also provides for a five-year (60-month) final average compensation period for the computation of benefits, and a minimum employer contribution rate of 15.0% until the system is at least 90.0% funded. The effective date of the legislation is January 1, 2014.

House Bill No. 60 by Representative M. "Kirk" Talbot

This bill requires retirees of all public employee retirement systems, who retire on or after July 1, 2013, to suspend benefits if they return to work in a position covered by a public employee retirement plan. The effective date of the legislation is July 1, 2013.

House Bill No. 61 by Representative Austin J. Badon, Jr.

This bill provides for a divided benefit for an employee of a state or statewide retirement system whose salary increases by more than 30.0% when comparing one month's earnings to the previous 12 months. The divided benefit shall be the sum of: Total years of service prior to the 30.0% or greater increase in monthly earnings, times final average compensation at the appropriate accrual rate, and total years if service on or after the 30.0% increase occurs times final average compensation at the appropriate accrual rate. The effective date of the legislation is upon signature by the governor or upon expiration of the time for bills to become law without signature by the governor.

House Bill No. 63 by Representative Joel C. Robideaux

This bill authorizes a 1.0% permanent benefit increase to be paid all benefit recipients of the four state retirement systems who meet system eligibility requirements for the increase. The cost of providing the increase must be paid from state funds statutorily dedicated for such purpose. The increase will be paid on the first \$20,000 of benefits currently being received. The effective date of the legislation is upon signature by the governor or upon expiration of the time for bills to become law without signature by the governor.

This pre-bill has been withdrawn from the files of the House of Representatives and will not be considered.

House Bill No. 68 by Representative J. Kevin Pearson

This bill provides for clarification of and technical corrections to Act No. 483 of 2012, the cash balance plan. The legislation does not specify an effective date.

House Bill No. 571 by Representative Joel C. Robideaux

This bill is a component of Governor Jindal's tax swap package. It establishes a tax credit registry and creates rebate programs, including the Rebate Program for Assistance for Retirees and Military. This rebate program will be made available to Louisiana residents who receive retirement benefits, disability benefits, social security benefits, Native American income, or active duty military pay that are currently exempt from Louisiana individual income taxation, and who otherwise may incur an increased overall state tax burden due to increases in the state sales and use tax rate from 4.0% to 6.25%.

The rebate program that is established will be available to those Louisiana residents who file a federal income tax return with an annual federal adjusted gross income of less than \$60,000 for the year in which application for the rebate is made, up to \$6,000 of disability income, up to \$6,000 annual pension and annuity income received by residents 65 years of age or older if the payment is not provided by a public retirement system.

Rebate amounts will be determined by the Department of Revenue, and adjusted annually in accordance with the Consumer Price Index United States city average for all urban consumers—CPI-U.

House Bill No. 639 by Representative Joel C. Robideaux

This bill is a component of Governor Jindal's tax swap package. It repeals the state tax levied on the taxable portion of the income of Louisiana residents.

House Bill No. 653 by Representative Joel C. Robideaux

This bill is a component of Governor Jindal's tax swap package. It changes the rate of the state sales and use tax from 4.0% to 6.5%. The bill also adds new taxable services upon which the sales and use tax was not previously levied. The bill also establishes a requirement for the filing of an Annual Consumer Use Tax Return for the purpose of payment of tax on goods and services purchased from a remote seller.

House Concurrent Resolution No. 2 by Representative Joseph A. Harrison

This resolution suspends for one year the provisions of law regarding the implementation of the cash balance plan.

Senate Bill No. 4 by Senator Elbert L. Guillory

This bill provides for the use of the entry age normal valuation method by the Louisiana State Employees' Retirement System and by the Teachers' Retirement System of Louisiana rather than the projected unit credit method currently used by both retirement systems. The effective date of the legislation is June 30, 2013.

Senate Bill No. 7 by Senator Barrow Peacock

This bill provides that all state and statewide retirement systems use a 60-month final average compensation period for the calculation of benefits. The bill also sets 15.0% as the maximum anti-spiking threshold for all members. The calculation for final average compensation shall not exceed 115% of compensation used for the preceding 12 months in the calculation of benefits. The provisions of the bill become effective January 1, 2014. The effective date of the legislation is July 1, 2013.

Senate Bill No. 11 by Senator Elbert L. Guillory

This bill provides for permanent post-retirement benefit increases for members of the four state retirement systems. The bill implements a 3.0% increase in employee contributions for all active, contributing members of the systems. In order to receive the increases, retirees must have been receiving a benefit for at least five years, and must have reached age 65 on or before June 30, 2013. The increase will be paid on the first \$50,000 of benefits received in any given year. This limit will be adjusted after July 1, 2019 by an increased amount equal to increases, if any, provided to persons receiving old age, survivors or disability insurance benefits from the Social Security Administration for the 24 month period ending on the September 30 immediately preceding the permanent benefit increase.

Benefit increases will be paid on July 1 of each odd-numbered calendar year beginning on July 1, 2013. The benefit increase proposed by the bill is 1.0% or the lesser of 2.0% or the percent increase necessary to preserve 80.0% of the purchasing power of the benefit as of June 30, 2013 or the retirement date, if later. Determination of the diminution of purchasing power shall be computed using the increase, if any, provided to persons receiving old age, survivors and disability insurance benefits from the Social Security Administration for the period beginning on September 30 of the year of retirement and ending on September 30 immediately preceding the payment of the permanent benefit increase.

The bill provides for "employer funded" increases for those with service credit on or before July 1, 2013, for "employee funded" increases for those with service credit on or after July 1, 2013, and for "additive" increases for those who have service accrued prior to July 1, 2013 and service that will accrue on or after July 1, 2013. The bill also provides for a 60-month final average compensation computation period for all members. The increase in this time frame from 36 months shall be transitioned beginning July 1, 2014 and continued in one-month increments through June 30, 2016. The effective date of the legislation is June 30, 2013.

Senate Bill No. 16 by Senator Gerald Long

This bill defines the Optional Retirement Plan (ORP) contribution rate for participating post-secondary education employees and employers as the TRSL Tier 1 normal cost equivalent. Legislation implementing the cash balance plan created a question about the rates that should be used to determine amounts for the deposit of funds into ORP accounts. This legislation eliminates the discrepancy between the cash balance plan

legislation and administration of the established ORP. The effective date of the legislation is upon signature by the governor or upon expiration of the time for bills to become law without signature by the governor.

Senate Bill No. 17 by Elbert L. Guillory

This bill dedicates 2.0% of state revenue collections that are in excess of revenue collected during FY 2011-2012 to the liquidation of unfunded accrued liabilities of the four state retirement systems, and to the funding of benefit increases for retirees of these systems. The dedicated excess revenue shall be deposited into a newly created State Retirement Fund. State Retirement Fund deposits shall be allocated as follows:

Louisiana State Employees' Retirement System	37.0%
Teachers' Retirement System of Louisiana	56.7%
Louisiana School Employees' Retirement System	4.5%
Louisiana State Police Retirement System	1.8%

First, 80.0% of the monies allocated to the retirement systems from the fund shall be applied to addressing the Initial Unfunded Accrued Liability amortization base; second, to the Employee Experience Account amortization base, if any; and third, to the balance of the oldest outstanding amortization base. The remaining 20.0% shall be credited to the Employee Experience Account. The effective date of the legislation is June 30, 2013.

Senate Concurrent Resolution No. 1 by Senator Patrick "Page" Cortez

This resolution suspends for one year the provisions of law regarding the implementation of the cash balance plan.