

Regular Session, 2014

HOUSE BILL NO. 30

BY REPRESENTATIVES JONES AND HAVARD

RETIREMENT/COLAS: Provides a permanent benefit increase paid from the experience account to certain retired members and beneficiaries of the Louisiana State Employees' Retirement System

1 AN ACT

2 To provide a permanent benefit increase to certain retirees and beneficiaries of the Louisiana  
3 State Employees' Retirement System in conformity with the provisions of the  
4 system's experience account; to provide for eligibility for the increase; to provide for  
5 calculation of the increase; to provide for funding; to provide an effective date; and  
6 to provide for related matters.

7 Notice of intention to introduce this Act has been published  
8 as provided by Article X, Section 29(C) of the Constitution  
9 of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Findings. (A) The legislature created the experience account within the  
12 Louisiana State Employees' Retirement System as a mechanism for funding, on an actuarial  
13 basis, permanent benefit increases for system retirees and beneficiaries. The experience  
14 account is credited with half of the system's investment gains over certain threshold amounts  
15 and with interest on funds in the account. The legislature has restricted the amount that can  
16 be in the account at any one time; the funds in the account may not exceed an amount  
17 sufficient to fund two permanent benefit increases to eligible retirees and beneficiaries. The  
18 legislature may authorize the system to use the funds in the account to pay a permanent  
19 benefit increase to these retirees and beneficiaries.

20 (B) According to the June 30, 2013, valuation adopted by the system's board of  
21 trustees, the legislature finds that in Fiscal Year 2013, the system attained an actuarial rate

1 of return of fourteen and five one hundredths percent. This rate of return is above the  
2 system's target of eight percent. According to the June 30, 2013, valuation adopted by the  
3 system's board of trustees, approximately one hundred ninety-five million six hundred  
4 thousand dollars in excess earnings was deposited into the system's experience account. The  
5 legislative auditor's actuary and the system's actuary agree that this amount would be  
6 sufficient to increase eligible retiree and beneficiary benefits by two and seven tenths  
7 percent.

8 (C) In accordance with R.S. 11:542(C)(1), the legislature finds that any increase  
9 granted pursuant to this Act shall be based only on ninety-six thousand nine hundred thirty-  
10 one dollars of a retiree's annual benefit.

11 (D) The legislature finds that the following retirees and beneficiaries are eligible for  
12 permanent benefit increases funded by the experience account:

13 (1) Any non-disability retiree who has attained the age of sixty and who has been  
14 retired for at least one year.

15 (2) Any disability retiree, regardless of age, who has been retired for at least one  
16 year and any beneficiary of such a retiree.

17 (3) Any beneficiary of a non-disability retiree if the beneficiary or the retiree, or both  
18 combined, have received benefits for at least one year and the retiree would have attained  
19 age sixty by the time of the increase.

20 (E) In accordance with R.S. 11:542(C), the legislature finds that any increase granted  
21 by the provisions of this Act shall not exceed the lesser of:

22 (1) Three percent.

23 (2) A sum equal to the consumer price index, United States city average for all urban  
24 consumers (CPI-U), as prepared by the United States Department of Labor, Bureau of Labor  
25 Statistics, for the calendar year immediately preceding the permanent benefit increase.

26 (F) The legislature finds that the consumer price index, United States city average  
27 for all urban consumers (CPI-U), as prepared by the United States Department of Labor,  
28 Bureau of Labor Statistics, for the calendar year 2013 was one and one-half of one percent.

29 Section 2. Authorization. In accordance with laws providing for the system's  
30 experience account and the findings in this Act, the Legislature of Louisiana hereby grants  
31 a permanent benefit increase of one and one-half of one percent, effective July 1, 2014, to

1 all eligible retirees and beneficiaries of the Louisiana State Employees' Retirement System.

2 No further action on the part of the legislature shall be required to implement such increase.

3 Section 3. The cost of this Act, if any, shall be funded with monies from the

4 Louisiana State Employees' Retirement System experience account in compliance with

5 Article X, Section 29(F) of the Constitution of Louisiana.

6 Section 4. This Act shall become effective on June 30, 2014; if vetoed by the

7 governor and subsequently approved by the legislature, this Act shall become effective on

8 June 30, 2014, or on the day following such approval by the legislature, whichever is later.

### 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)]

Jones

HB No. 30

**Abstract:** Provides a permanent benefit increase of 1.5%, funded by the La. State Employees' Retirement System (LASERS) experience account, to eligible retirees and beneficiaries of LASERS.

Present law provides that the board of trustees of LASERS may recommend to the president of the Senate and the speaker of the House of Representatives that the system be permitted to grant a permanent benefit increase, sometimes called a cost-of-living adjustment or COLA, to retirees and beneficiaries whenever the balance in the LASERS experience account is sufficient to fund such benefit.

Present law provides the board of trustees shall not grant a permanent benefit increase unless such increase has been approved by the legislature by concurrent resolution adopted by the favorable vote of a majority of the elected members of each house.

Notwithstanding present statutory law providing for legislative approval by resolution, present constitution provides that benefits from public retirement systems may only be altered by legislative enactment. Present constitution further requires a 2/3 vote of the legislature to pass any such change in benefits that has an actuarial cost.

Present law limits the amount of the increase to the lesser of 3% or the increase in a specified consumer price index for the previous calendar year; for 2013 that increase was 1.5%.

Proposed law grants a permanent benefit increase of 1.5% to all qualified retirees and beneficiaries of LASERS.

Pursuant to present constitution (Art. X, §29(F)), proposed law further provides that the cost of such increase shall be paid by funds from the system's experience account.

Effective June 30, 2014.