

Regular Session, 2010

SENATE BILL NO. 11

BY SENATOR APPEL AND REPRESENTATIVE LIGI

RETIREMENT BENEFITS. A Constitutional Amendment to provide for forfeiture of retirement benefits by public officials and employees who are convicted of felony acts associated with their positions.

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A JOINT RESOLUTION

Proposing to add Article X, Section 29(F) of the Constitution of Louisiana, to provide relative to public retirement systems and persons in such systems; to provide for the forfeiture of retirement benefits by persons who are convicted of certain felonies; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article X, Section 29(F) of the Constitution of Louisiana, to read as follows:

§29. Retirement and Survivor's Benefits

Section 29.

\* \* \*

**(F) Forfeiture of Retirement Benefits; Felony Convictions. The receipt of a public retirement benefit shall be expressly conditioned upon the rendition of honorable service by the public official or employee. Notwithstanding any**

1 provision of this constitution or of any home rule charter to the contrary, the  
 2 legislature may provide for the forfeiture of all or part of the benefits from a  
 3 public retirement system, plan, or fund in this state by any person who holds or  
 4 held any public office or employment and who is convicted of a felony associated  
 5 with and committed during his service in such public office or employment.  
 6 The legislature may provide for the application of all or part of any forfeited  
 7 benefits to the unfunded accrued liability of the system, plan, or fund.

8 Section 2. Be it further resolved that this proposed amendment shall be submitted  
 9 to the electors of the state of Louisiana at the statewide election to be held on November 2,  
 10 2010.

11 Section 3. Be it further resolved that on the official ballot to be used at said election  
 12 there shall be printed a proposition, upon which the electors of the state shall be permitted  
 13 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall  
 14 read as follows:

15 To authorize the legislature to provide for the forfeiture of retirement benefits  
 16 by any member of a public retirement system, plan, or fund who is convicted  
 17 of a felony associated with the member's public service. (Adds Article X,  
 18 Section 29(F))

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The original instrument and the following digest, which constitutes no part of the  
 legislative instrument, were prepared by Lauren B. Bailey.

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#### DIGEST

Present constitution prohibits diminishing or impairing members' accrued benefits in any  
 state or statewide retirement system.

Proposed constitutional amendment authorizes the legislature to provide for the forfeiture  
 of retirement benefits by any person who is a member of a public retirement system and who  
 has been convicted of a felony related to his office. Authorizes the legislature to apply the  
 forfeited benefits toward the system's unfunded accrued liability.

Provides for submission of the proposed amendment to the voters at the statewide election  
 to be held Nov. 2, 2010.

(Adds Const. Art. X, Sec. 29(F))