

Regular Session, 2005

SENATE BILL NO. 133

BY SENATOR DARDENNE

TAX/INCOME/PERSONAL. Exempts from income tax the retirement benefits of public elementary and secondary teachers from other states. (gov sig)

1 AN ACT
2 To amend and reenact R.S. 47:44.2, relative to income tax; to provide an exemption for the
3 retirement benefits of certain individuals; and to provide for related matters.
4 Be it enacted by the Legislature of Louisiana:
5 Section 1. R.S. 47:44.2 is hereby amended and reenacted to read as follows:
6 §44.2. **Exemption; F**federal social security benefits; federal and railroad retirement
7 income ~~exempt from taxation; non-state teacher's retirement~~
8 **system**
9 **A.** Any benefit received by an individual pursuant to the provisions of
10 Chapter 7 of Title 42 of the United States Code (42 U.S.C. 301 et seq.), and any
11 income received by an individual pursuant to a retirement system for retirees of the
12 United States Government or pursuant to the Railroad Retirement Act of 1974 (45
13 U.S.C. 231 et seq.) shall be exempt from the state income tax.
14 **B. Any income received by an individual from a public retirement system**
15 **in another state shall be exempt from state income tax if the individual who**
16 **earned the benefit earned it as a result of employment in a position in the other**
17 **state, which position would have qualified the individual for membership in the**

1 **Teachers' Retirement System of Louisiana in Chapter 2 of Subtitle II of Title**
2 **11 of the Louisiana Revised Statutes of 1950, if the individual had been**
3 **employed in Louisiana public elementary or secondary schools.**

4 Section 2. The provisions of this Act shall be applicable to all tax years beginning
5 on and after January 1, 2005.

6 Section 3. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Riley Boudreaux.

DIGEST

Proposed law exempts from individual income tax any income received by an individual from a public retirement system in another state if the individual who earned the benefit earned it as a result of employment in a position in the other state, which position would have qualified the individual for membership in the Louisiana Teachers' Retirement System if the individual had been employed in Louisiana public elementary or secondary schools.

Applicable to all tax years beginning on and after January 1, 2005.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 47:44.2)