

Regular Session, 2013

HOUSE BILL NO. 41

BY REPRESENTATIVE ARNOLD

RETIREMENT/LOCAL: Provides relative to the board of trustees of the Firefighters' Pension and Relief Fund in the city of New Orleans

1 AN ACT

2 To amend and reenact R.S. 11:3362(A) and 3382(A), relative to the board of trustees of the
3 Firefighters' Pension and Relief Fund in the city of New Orleans; to provide relative
4 to membership of the board; to provide relative to terms of members; to provide
5 relative to the powers of the board with respect to cost-of-living increases; and to
6 provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article III, Section 13 and Article X, Section
9 29(C) of the Constitution of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:3362(A) and 3382(A) are hereby amended and reenacted to read
12 as follows:

13 §3362. Board of trustees of fund; officers; vacancies

14 A. There is hereby created a Board of Trustees for administration of this
15 fund. This board shall be composed of the following members:

- 16 (1) The superintendent of the fire department.
- 17 (2) The director of finance of the city of New Orleans.
- 18 (3) Five members elected from the active ranks of the department, each of
19 whom shall serve a four-year term.

1 (4) Three members elected from the ranks of retired members of the
 2 department, each of whom shall serve a four-year term.

3 ~~The terms of the hereinabove named trustees shall be for a period of two~~
 4 ~~years, beginning from the date of the election, the second Wednesday in December,~~
 5 ~~1969, and ending on the second Wednesday of January, 1972, and thereafter their~~
 6 ~~terms shall be for a period of two years with elections held every two years.~~

7 (5) One member, domiciled in the city of New Orleans, appointed by the
 8 mayor with the approval of the city council. The member shall serve a term
 9 concurrent with the term of the mayor who appoints him and shall continue to serve
 10 until his successor has been appointed and qualified.

11 (6) One member, domiciled in the city of New Orleans, appointed by the
 12 members of the Louisiana House of Representatives who represent the area
 13 comprising the city of New Orleans acting jointly. The member shall serve a four-
 14 year term concurrent with the term of the legislature and shall continue to serve until
 15 his successor is elected.

16 (7) One member, domiciled in the city of New Orleans, appointed by the
 17 members of the Louisiana Senate who represent the area comprised of the city of
 18 New Orleans acting jointly. The member shall serve a four-year term concurrent
 19 with the term of the legislature and shall continue to serve until his successor is
 20 elected.

21 * * *

22 §3382. Cost-of-living increases

23 A.(1) The board of trustees ~~shall be authorized to~~ may use interest earnings
 24 on investments of the system in excess of normal requirements as determined by the
 25 actuary to provide an annual cost-of-living increase in benefits for retired members
 26 ~~who have retired~~ and widows of retired members ~~who have retired~~ in an amount not
 27 to exceed three percent of the original benefit. Such benefits shall be paid only when
 28 funds are available from this source, from funds appropriated for this purpose by the
 29 city of New Orleans, or from other sources designated for this purpose, and

1 ~~payments~~ if approved by two-thirds of the members present and voting when a
2 quorum is present. Payments shall be made in such manner and in such amount as
3 ~~may be determined by~~ the board of trustees determines, based on funds available.

4 (2) In addition to the increase provided for in Paragraph (1) of this
5 Subsection, the board ~~shall be authorized to~~ may, if approved by two-thirds of the
6 members present and voting when a quorum is present, provide an annual
7 cost-of-living increase to retired members and widows of retired members who are
8 sixty-five years of age and older, in an amount not to exceed two percent of the
9 original benefit.

10 * * *

11 Section 2. The term of any member serving on the board of trustees of the
12 Firefighters' Pension and Relief Fund in the city of New Orleans on the effective date of this
13 Act is hereby extended for an additional two years in accordance with the provisions of this
14 Act. Successors of such members shall be elected and serve a term pursuant to the
15 provisions of this Act.

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

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)]

Arnold

HB No. 41

Abstract: Provides for additional members of the board of trustees of the New Orleans Fire Fighters Pension and Relief Fund (NOFF) and extends terms of elected members. Also, requires a 2/3 vote of the board to approve a cost-of-living increase.

Present law provides that the membership of the board of trustees of NOFF shall consist of the superintendent of the fire department, the director of finance of the city of New Orleans, five members elected the active ranks of the department, and three members elected from the ranks of retired members of the department, each serving for two years. Proposed law changes the term from two years to four years. Further provides for additional members to

be chosen in the following manners and to serve terms concurrent with the appointing authority:

- (1) The mayor of New Orleans shall appoint a resident of New Orleans with approval of the New Orleans city council.
- (2) The state representatives whose districts include any part of New Orleans shall appoint a resident of New Orleans.
- (3) The state senators whose districts include any part of New Orleans shall appoint a resident of New Orleans.

Present law authorizes the board of trustees to provide an annual cost-of-living increase in benefits for retired members and widows of retired members. Authorizes an increase of up to 3% for all retirees and an additional increase of up to 2% for those over 65. Such benefits shall be paid only from excess earnings on investments of the system or from other funds appropriated or designated for this purpose. Proposed law retains present law and requires a 2/3 vote of the board to grant such benefits.

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

(Amends R.S. 11:3362(A) and 3382(A))