

Regular Session, 2013

HOUSE BILL NO. 49

BY REPRESENTATIVE PEARSON

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, relative to the Firefighters' Pension and Relief Fund in
3 the city of New Orleans; to provide relative to the board of trustees of the fund; to
4 provide for the membership of the board; to provide for election of certain members;
5 to provide for the terms of the members; to provide relative to the duties and
6 authority of the members; and to 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 is hereby amended and reenacted to read as follows:

12 §3362. Board of trustees of fund; officers; vacancies

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

- 15 (1) The superintendent of the fire department;₂
- 16 (2) The director of finance of the city of New Orleans;₂
- 17 (3) ~~Five members~~ One member elected from the active ranks of the
18 department;₂
- 19 (4) ~~Three members~~ One member elected from the ranks of retired members
20 of the department.

1 (5) One member who is domiciled in and an elector of the city of New
2 Orleans and who is appointed by the mayor subject to confirmation by the New
3 Orleans city council. A vacancy in this position shall be filled in the same manner
4 as the original appointment.

5 ~~The terms of the hereinabove named trustees shall be for a period of two~~
6 ~~years, beginning from the date of the election, the second Wednesday in December,~~
7 ~~1969, and ending on the second Wednesday of January, 1972; and thereafter their~~
8 ~~terms shall be for a period of two years with elections held every two years.~~

9 B.(1) The terms of members shall be two years and shall begin on the fourth
10 Wednesday in August. The first election to the board, as hereinabove constituted,
11 ~~shall be held on the second Wednesday of December, 1969, and all subsequent~~
12 ~~elections shall be held on the second Wednesday of December and the members so~~
13 ~~elected shall take office on the second Wednesday in January immediately following~~
14 ~~such election.~~

15 (2)(a) The election of the elected members to the board shall be held on the
16 fourth Wednesday in August. Members so elected shall take office at noon on the
17 ~~day following such election. Special elections may be called by the board as then~~
18 ~~constituted when vacancies occur on the board by death, resignation, or otherwise.~~
19 ~~Special elections or appointments shall be completed within thirty days after a~~
20 ~~vacancy occurs on the board.~~

21 ~~(b) The elections as hereinabove described or special~~ All elections of the
22 members of the board shall be held between the hours of 6:00 A.M. and 8:00 P.M.
23 at the department of fire headquarters or such place or places which the board may
24 designate at its regular meeting held during the month of ~~November~~ July,
25 immediately preceding the holding of its ~~bi-annual~~ biannual election; ~~provided, that~~
26 ~~all~~ All persons entitled to vote at any such election shall be notified of the place or
27 places at which the election will be held at least ten days prior to the date thereof.

28 C. The board shall elect a president from the membership of the board. It
29 shall also elect a secretary-treasurer, ~~who shall be elected solely from the elected~~

1 ~~members of the board.~~ Should a vacancy among the members of the board occur six
2 months or more prior to any election, the board shall call a special election to fill
3 such vacancy; if no candidate qualifies within fifteen days after vacancy occurs, the
4 board shall fill such vacancy by appointment. If a vacancy occurs less than six
5 months prior to any election, the board shall fill such vacancy by appointment. Any
6 person elected or appointed to fill a vacancy in the membership of the board, as
7 hereinabove set forth, shall be elected or appointed by nomination from the group,
8 active or retired, which suffered loss of representation on the board by reason of such
9 vacancy, but all members of the board shall vote on appointments and all members
10 active or retired shall vote on all candidates for election.

11 ~~D. Only those members of the board elected or appointed from the active~~
12 ~~ranks of the department shall have the right to vote on any proposal to increase the~~
13 ~~assessment levied against the salary of each member of the fire force, as provided by~~
14 ~~R.S. 11:3363, as of August 1, 1962.~~

15 Section 2. The terms of the members of the board of trustees elected pursuant to R.S.
16 11:3362(A)(3) and (4) serving in office on the effective date of this Act shall terminate on
17 the effective date of the Act; however, such members shall continue to serve until a
18 successor is elected pursuant to the provisions of this Act. The board of trustees shall call
19 a special election to fill the vacancies created by this Act.

20 Section 3. This Act shall become effective upon signature by the governor or, if not
21 signed by the governor, upon expiration of the time for bills to become law without signature
22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23 vetoed by the governor and subsequently approved by the legislature, this Act shall become
24 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)]

Pearson

HB No. 49

Abstract: Provides for the composition, election, terms of office, authority, and officers of the board of trustees of the Firefighters' Pension and Relief Fund in the city of New Orleans.

Present law provides for a pension and relief fund for firefighters in the city of New Orleans. Provides for a board of trustees to administer the fund. Proposed law retains present law.

Present law provides for the membership of the board of trustees. Provides for 10 members as follows:

- (1) The superintendent of the fire department.
- (2) The director of finance of the city of New Orleans.
- (3) Five members elected from the active ranks of the department.
- (4) Three members elected from the ranks of retired members of the department.

Proposed law changes the total number of board member from 10 to five. Provides that one member instead of five is elected from the active ranks of the department. Provides that one member instead of three is elected from the ranks of retired members of the department. Provides that one member who is domiciled in and an elector of the city of New Orleans is appointed by the mayor subject to confirmation by the New Orleans city council and that a vacancy in this position is filled in the same manner.

Present law provides that the election to the board is held on the second Wednesday in Dec. and that members so elected take office on the second Wednesday in Jan. Proposed law provides instead that the election is held on the fourth Wednesday in Aug. and that members so elected take office at noon on the day following such election. Proposed law retains present law provision for two-year terms.

Present law requires the board to designate the place of the election at its regular meeting in Nov. Proposed law requires instead that the designation must be made at the board's regular meeting in July.

Present law provides that only those members of the board elected or appointed from the active ranks of the department have the right to vote on any proposal to increase the assessment levied against the salary of each member of the fire force. Proposed law repeals present law.

Proposed law provides that the terms of the elected members of the board in office on the effective date of proposed law shall terminate on the effective date of proposed law; however, such members shall continue to serve until a successor is elected. Proposed law further requires the board to call an election to fill the vacancies created by proposed law.

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

(Amends R.S. 11:3362)