

Regular Session, 2013

HOUSE BILL NO. 52

BY REPRESENTATIVE PEARSON

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

1 AN ACT

2 To amend and reenact R.S. 11:3361, relative to the Firefighters' Pension and Relief Fund in  
3 the city of New Orleans; to abolish the fund; to provide relative to the funding,  
4 eligibility, assets, rights, duties, property, management, and obligations of the fund;  
5 to authorize the governing authority of Orleans Parish to provide relative to the fund  
6 and to establish and provide for a retirement system for firefighters in the city of  
7 New Orleans; to provide for effectiveness; and to provide for related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 and Article X, Section  
10 29(C) of the Constitution of Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 11:3361 is hereby amended and reenacted to read as follows:

13 ~~§3361. Creation of Firefighters' Pension and Relief Fund; contributions by city~~  
14 Retirement system for firefighters in the city of New Orleans; authorization  
15 ~~A pension and relief fund for firefighters in the city of New Orleans is~~  
16 ~~created. For the purpose of augmenting the fund, the city shall pay into the fund~~  
17 ~~annually one percent of the revenues derived from all licenses issued by the city,~~  
18 ~~except the drivers and chauffeurs licenses, and an annual appropriation in the budget~~  
19 ~~of the city of a sum equal to not less than five percent of the money annually~~  
20 ~~appropriated by the city for the operation and maintenance of the fire department of~~

1       ~~the city. The latter appropriation, within the limits prescribed, shall be determined~~  
2       ~~by the council each year in making up its annual budget. The appropriation and~~  
3       ~~donations by the city aforesaid shall be set apart by the treasurer of the city and paid~~  
4       ~~over to the board of trustees of the Firefighters' Pension and Relief Fund as the~~  
5       ~~annual contribution of the city to the fund. The word "firefighter" as designated in~~  
6       ~~this Part is defined as any individual employed by the fire department of the city of~~  
7       ~~New Orleans who is actively engaged in the extinguishing of fires. Notwithstanding~~  
8       ~~any provision of this Part to the contrary, any uniformed member of the fire~~  
9       ~~suppression division of the fire department of the city of New Orleans, who occupied~~  
10       ~~the position of firefighter in the classified civil service of the city of New Orleans for~~  
11       ~~at least ten years, and who, because of physical disability, selects to transfer from the~~  
12       ~~fire suppression division to the fire administration division of the fire department of~~  
13       ~~the city of New Orleans, may continue to participate in the pension and relief fund~~  
14       ~~for firefighters in the city of New Orleans, unless the board determines that such~~  
15       ~~continued employment is detrimental to the health and safety of other employees.~~  
16       The governing authority of Orleans Parish may establish a firefighters' retirement  
17       system in the city of New Orleans and promulgate rules and regulations relative to  
18       such system. The governing authority shall assign, transfer, and deliver all assets,  
19       property, and obligations belonging to the Firefighters' Pension and Relief Fund in  
20       the city of New Orleans to the system created under the authority granted by this  
21       Section.

22       Section 2. The governing authority of Orleans Parish may establish a firefighters'  
23       retirement system in the city of New Orleans and promulgate rules and regulations relative  
24       to such system. Upon the creation of such a system, the governing authority shall assign,  
25       transfer, and deliver any and all assets and property belonging to the Firefighters' Pension  
26       and Relief Fund in the city of New Orleans to the system created under the authority granted  
27       by this Section.

28       Section 3.(A) This Section and Section 2 of this Act shall become effective upon  
29       signature of this Act by the governor or, if not signed by the governor, upon expiration of

1 the time for bills to become law without signature by the governor, as provided by Article  
 2 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and  
 3 subsequently approved by the legislature, this Section and Section 2 of this Act shall become  
 4 effective on the day following such approval.

5 (B) Section 1 of this Act shall become effective on the first day following the  
 6 adoption of an ordinance by the governing authority of the parish of Orleans establishing a  
 7 firefighters' retirement system in the city of New Orleans.

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### 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)]

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Pearson

HB No. 52

**Abstract:** Removes certain provisions of law relative to the Firefighters' Pension and Relief Fund in the city of New Orleans; authorizes the governing authority of Orleans Parish to provide relative to the fund and to establish a firefighters' retirement system in the city of New Orleans and to promulgate rules and regulations relative to such system.

Present law creates a pension and relief fund for firefighters in the city of New Orleans. Requires the city to pay into the fund annually 1% of the revenues derived from certain licenses issued by the city and an annual appropriation in the budget of the city of a sum equal to not less than 5% of the money annually appropriated by the city for the operation and maintenance of the fire department of the city.

Present law defines the word "firefighter" for purposes of provisions of law relative to the fund as any individual employed by the fire department of the city of New Orleans who is actively engaged in the extinguishing of fires.

Present law provides that any uniformed member of the fire suppression division of the fire department of the city of New Orleans, who occupied the position of firefighter in the classified civil service of the city of New Orleans for at least 10 years, and who, because of physical disability, selects to transfer from the fire suppression division to the fire administration division of the fire department of the city of New Orleans, may continue to participate in the pension and relief fund for firefighters in the city of New Orleans, unless the board determines that such continued employment is detrimental to the health and safety of other employees.

Proposed law removes present law.

Proposed law authorizes the governing authority of Orleans Parish to establish a firefighters' retirement system in the city of New Orleans and to promulgate rules and regulations relative to such system. Upon creation of such a system, proposed law requires the governing authority to assign, transfer, and deliver all assets, property, and obligations belonging to the Firefighters' Pension and Relief Fund in the city of New Orleans to the system created under the authority granted by proposed law.

Provisions of proposed law authorizing the governing authority of the parish to establish a retirement system becomes effective upon signature of governor or lapse of time for gubernatorial action. Provisions of proposed law removing present law are effective on the first day following the adoption of an ordinance by the governing authority of the parish of Orleans establishing a firefighters' retirement system in the city of New Orleans.

(Amends R.S. 11:3361)