

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, 3376(A) and (B), 3377(A)(introductory paragraph), and  
3 3382(A), relative to the Firefighters' Pension and Relief Fund in the city of New  
4 Orleans; to provide relative to the board of trustees of the fund; to provide for the  
5 membership of the board; to provide for election of certain members; to provide for  
6 the terms of the members; to provide relative to the duties and authority of the  
7 members; to provide relative to the powers of the board with respect to certain  
8 benefits; and to provide for related matters.

9 Notice of intention to introduce this Act has been published  
10 as provided by Article III, Section 13 and Article X, Section  
11 29(C) of the Constitution of Louisiana.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 11:3362, 3376(A) and (B), 3377(A)(introductory paragraph), and  
14 3382(A) are hereby amended and reenacted to read as follows:

15 §3362. Board of trustees of fund; officers; vacancies

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

- 18 (1) The superintendent of the fire department;~~;~~
- 19 (2) The director of finance of the city of New Orleans;~~;~~
- 20 (3) ~~Five members~~ Two members elected from the active ranks of the  
21 department;~~;~~

1           (4) ~~Three members~~ Two members elected from the ranks of retired members  
2 of the department.

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

7           ~~The terms of the hereinabove named trustees shall be for a period of two~~  
8 ~~years, beginning from the date of the election, the second Wednesday in December,~~  
9 ~~1969, and ending on the second Wednesday of January, 1972; and thereafter their~~  
10 ~~terms shall be for a period of two years with elections held every two years.~~

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

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

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





1 member shall be retired for disability. ~~Provided, that the~~ The procedure to establish  
2 such disability and to determine the continuance thereof shall be the same as that  
3 prescribed in R.S. 11:3376. The amount of the pension to be received by any  
4 member retired in accordance with the provisions of this Section shall be based on  
5 the following schedule:

6 \* \* \*

7 §3382. Cost-of-living increases

8 A.(1) The board of trustees ~~shall be authorized to~~ may use interest earnings  
9 on investments of the system in excess of normal requirements as determined by the  
10 actuary to provide an annual cost-of-living increase in benefits for retired members  
11 ~~who have retired~~ and widows of retired members ~~who have retired~~ in an amount not  
12 to exceed three percent of the original benefit. Such benefits shall be paid only when  
13 funds are available from this source, from funds appropriated for this purpose by the  
14 city of New Orleans, or from other sources designated for this purpose, and  
15 ~~payments~~ if approved by two-thirds of the entire board. Payments shall be made in  
16 such manner and in such amount as ~~may be determined by~~ the board of trustees  
17 determines, based on funds available.

18 (2) In addition to the increase provided for in Paragraph (1) of this  
19 Subsection, the board ~~shall be authorized to~~ may, if approved by two-thirds of the  
20 entire board, provide an annual cost-of-living increase to retired members and  
21 widows of retired members who are sixty-five years of age and older, in an amount  
22 not to exceed two percent of the original benefit.

23 \* \* \*

24 Section 2. The terms of the members of the board of trustees elected pursuant to R.S.  
25 11:3362(A)(3) and (4) serving in office on the effective date of this Act shall terminate on  
26 the effective date of the Act; however, such members shall continue to serve until a  
27 successor is elected pursuant to the provisions of this Act. The board of trustees shall call  
28 a special election to fill the vacancies created by this Act.

1 Section 3. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 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 and provides for the powers of the board with respect to the granting of certain benefits.

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 members from 10 to seven. Provides that two members instead of five are elected from the active ranks of the department. Provides that two members instead of three are 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.

Present law authorizes the board to grant a cost-of-living adjustment (COLA) for retirees and beneficiaries of retirees. Proposed law requires approval of such COLAs by a two-thirds vote of the entire board.

Present law requires a majority vote of the entire board in order to grant any disability benefit. Proposed law requires that disability benefits be approved by a two-thirds majority of the board.

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, 3376(A) and (B), 3377(A)(introductory paragraph), and 3382(A))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Retirement to the original bill.

1. Changes proposed law relative to the number of members of the board of trustees elected from the active ranks of the department from one member to two members.
2. Changes proposed law relative to the number of members of the board of trustees elected from the ranks of retirement members of the department from one member to two members.
3. Changes the vote requirement for the board to grant a cost-of-living adjustment from a majority to a two-thirds majority of the full membership.
4. Changes the vote requirement for the board to grant any disability benefit from a majority of the full membership to a two-thirds majority of the full membership.