

2023 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVE STAGNI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SUPPLEMENTAL PAY: Provides relative to supplemental pay for municipal or parish fire department employees

1 AN ACT

2 To amend and reenact R.S. 40:1666.1(A)(1), 1666.3(A), (B), and (C), and 1666.6, relative  
3 to supplemental pay for firemen; to provide relative to qualification for such  
4 payments; to provide for the distribution of such payments; to provide with respect  
5 to the powers and duties of the state fire marshal regarding such payments; to  
6 provide with respect to the powers and duties of the Department of Public Safety and  
7 Corrections regarding such payments; to provide with respect to the powers and  
8 duties of the Fireman's Supplemental Pay Board; to provide with respect to  
9 compensation of members of the Fireman's Supplemental Pay Board; to provide an  
10 effective date; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 40:1666.1(A)(1), 1666.3(A), (B), and (C), and 1666.6 are hereby  
13 amended and reenacted to read as follows:

14 §1666.1. Extra compensation

15 A.(1) In addition to the compensation now paid by any municipality, parish,  
16 fire protection district, or other political subdivision maintaining a fire department,  
17 or by the Chitimacha Tribe of Louisiana or the Coushatta Tribe of Louisiana,  
18 hereinafter referred to as "tribe", or by any nonprofit corporation contracting with  
19 any such political subdivision to provide fire protection services to every paid,  
20 regularly employed employee ~~who is paid not less than three hundred dollars per~~

1       ~~month, not including supplemental pay~~, as distinguished from part-time employees  
2       and volunteers of such fire department, who are carried on the payroll of such fire  
3       department, and every employee as defined herein who is paid from funds of the  
4       parish or municipality or tribe obtained through lawfully adopted bond issues,  
5       lawfully assessed taxes, or other funds available for such purpose, either directly or  
6       through a board or commission set up by law or ordinance of the parish or  
7       municipality or tribe, shall be paid extra compensation by the state in the amount of  
8       five hundred dollars per month for each such paid employee who has completed or  
9       who hereafter completes one year of service. The provisions of Paragraph (5) of this  
10       Subsection shall govern the requirements for length of service for employees who  
11       were ordered to active military duty in the armed services of the United States during  
12       their initial term of employment.

\*       \*       \*

14       §1666.3. Warrants

15               A. The funds credited and dedicated as herein provided shall be disbursed  
16       upon warrants ~~drawn~~ approved and certified by the mayors or parish officials and the  
17       fire chiefs of the respective municipalities or parishes coming under the provisions  
18       of this Part, which warrants shall have attached to them a detailed list of the names  
19       of the employees for whose benefit any particular warrant is drawn, together with the  
20       completed years of service of such employees and such other information as the ~~state~~  
21       ~~fire marshal~~ Department of Public Safety and Corrections may require.

22               B. The mayors or parish officials of the respective municipalities or parishes  
23       shall forward the approved and certified warrants to the ~~secretary of the~~ Department  
24       of Public Safety and Corrections and, after obtaining approval of the board as  
25       provided in R.S. 40:1666.8 hereof, on the basis of such warrants, ~~the secretary of the~~  
26       Department of Public Safety and Corrections shall ~~cause to be prepared and shall~~  
27       ~~sign individual checks~~ issue payments representing the amount to be paid out of state  
28       funds to each employee in accordance with the provisions of this Subsection. ~~Each~~  
29       ~~such check shall show the legislative appropriation from which payment is made and~~

1 ~~shall note that it represents additional compensation paid by the state under the~~  
2 ~~provisions of this Part.~~ The secretary shall ~~deliver the checks~~ issue payments to the  
3 individual employees in whose favor they are drawn, ~~by mail, or by such other~~  
4 means as he shall determine.

5 C. The mayor, fire chief, or other municipal or parish officer of the  
6 municipalities or parishes employing persons entitled to additional compensation  
7 from the state under the provisions of this Part, who is charged with the  
8 responsibility of preparing the pay rolls for such employees, shall include the  
9 additional compensation paid by the state to such employees in the calculation and  
10 deduction from the pay of such employees of the sums required by state or federal  
11 law to be withheld by an employer, such as federal income tax and social security tax  
12 or contributions to local retirement systems. Any officials so charged with  
13 withholding sums from the pay of the municipal or parish paid fire department  
14 employees shall be further charged with the responsibility of transmitting the sums  
15 so withheld in accordance with the law or laws requiring the withholding.

16 \* \* \*

17 §1666.6. Compensation; expenses

18 A. The members of the board shall receive per diem in the amount of fifty  
19 dollars per day and shall be reimbursed for actual mileage in attending to official  
20 business. The per diem and the reimbursement of mileage expenses shall be made  
21 by the ~~state fire marshal~~ Department of Public Safety and Corrections and shall be  
22 payable out of the special fund provided in R.S. 40:1666.2, provided, however, that  
23 no such expense shall be payable unless a residual remains in the special fund after  
24 payment of all amounts due as extra compensation under the provisions of R.S.  
25 40:1666.1.

26 B. ~~The board is authorized and empowered to employ one Accountant I or~~  
27 ~~H whose compensation and benefits shall be in accordance with the rules,~~  
28 ~~regulations, and schedule of the state civil service, to be paid by the state fire marshal~~  
29 ~~out of the special fund provided in R.S. 40:1666.2 upon certification by the chairman~~

1 of the board of the name of the employee chosen through the usual process of state  
 2 civil service; however, no such expense shall be incurred or payable unless a residual  
 3 remains in the special fund after the payment of all amounts due as extra  
 4 compensation under the provisions of R.S. 40:1666.1. Nothing contained herein  
 5 shall be interpreted as prohibiting the appointment of those persons currently holding  
 6 the position of Accountant Clerk I or II for the board from applying for or from being  
 7 given first option in the appointment to the position of Accountant I or II.

8 Section 2. The provisions of this Act shall become effective July 1, 2023.

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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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HB 148 Original

2023 Regular Session

Stagni

**Abstract:** Modifies the qualifications and procedures for payment of firemen's state supplemental pay.

Present law (R.S. 40:1666.1) sets the qualifications required for a fireman to receive state supplemental pay. Part of such qualifications are that the employee is paid not less than \$300 per month, exclusive of supplemental pay. Proposed law repeals this requirement. Otherwise retains present law.

Present law (R.S. 40:1666.3) requires the mayor or parish official of the respective municipality or parish to issue a warrant for the monthly payment to qualifying firemen. Proposed law adds fire chiefs as a party who must approve and certify the warrant.

Present law places the state fire marshal in charge of disbursements for fireman supplemental pay. Proposed law changes responsibility for the disbursements to the Department of Public Safety and Corrections (DPSC).

Present law requires the mayors or parish officials of the employing political subdivision to forward the warrant to DPSC. Proposed law requires the mayor or parish official to submit the approved and certified warrant to DPSC. Present law requires DPSC to issue and deliver checks to each employee receiving supplemental payment and requires certain statements to be contained on each check. Proposed law authorizes DPSC to issue payment by whatever means and removes the requirement that the payment contain certain statements.

Present law requires the mayor or other municipal or parish officer charged with responsibility for preparing the payrolls of employees to include state supplemental pay into each employees tax withholdings and retirement contributions. Proposed law retains present law and adds the fire chief as a party who may be responsible for such calculations of tax withholdings and retirement contributions.

Present law (R.S. 40:1666.7) establishes the Fireman's Supplemental Pay Board and authorizes the state fire marshal to pay \$50 per day per diem to each member attending official business. Proposed law requires DPSC to issue such per diem rather than the state fire marshal.

Present law authorizes the board to employ an accountant and sets the requirements for such position. Proposed law repeals the authority of present law.

Effective July 1, 2023.

(Amends R.S. 40:1666.1(A)(1), 1666.3(A), (B), and (C), and 1666.6)