

Regular Session, 2013

ACT No. 234

HOUSE BILL NO. 41

BY REPRESENTATIVE ARNOLD

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 board of trustees of the Firefighters' Pension and Relief Fund
4 in the city of New Orleans; to provide relative to membership of the board; to
5 provide relative to terms of members; to provide relative to the powers of the board
6 with respect to cost-of-living increases and disability benefits; to provide relative to
7 elections to the board; 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. 11:3362, 3376(A) and (B), 3377(A)(introductory paragraph), and
13 3382(A) are hereby amended and reenacted to read as follows:

14 §3362. Board of trustees of fund; officers; vacancies

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

17 (1) The superintendent of the fire department.

18 (2) The director of finance of the city of New Orleans.

19 (3) ~~Five~~ Two members elected from the active ranks of the department;

20 (4) ~~Three~~ Two members elected from the ranks of retired members of the
21 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~~ that the board
 24 may 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~~
 30 ~~members of the board.~~ Should a vacancy among the members of the board occur six

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

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

14 * * *

15 §3376. Disability payments; notice of injury; periodic examination; order to return
 16 to active duty

17 A. If any member of the fire department of the city, while in the performance
 18 of his duty, becomes and is found upon examination by the department physician to
 19 be physically or mentally permanently disabled and incapacitated from performing
 20 his duties as a member of the fire department, or is unable to hold any other
 21 meaningful and gainful employment, by reason of service in the fire department, the
 22 board on application by the member for disability payments in accordance with this
 23 Part on a form provided by the board shall request that the civil service physician
 24 certify the fact of disability of said applicant, and the board of trustees, by a two-
 25 thirds majority vote of its members, shall determine whether or not the member
 26 should be retired for disability. In making this determination the board of trustees
 27 may order the member to submit to any other doctor or specialist selected by the
 28 board of trustees. Failure of the member to submit to any examination ordered by
 29 the board of trustees shall forfeit his and his dependent's right to pension and relief
 30 under this Part. When the board of trustees determines that the member should be

1 retired for disability incurred in the performance of his duty or service in the fire
 2 department, it shall retire the member, place his name on the pension roll, and order
 3 the immediate payment in monthly installments to him from the pension and relief
 4 fund of a sum equal to two-thirds the monthly compensation allowed him as salary
 5 at the date of his retirement, or the amount provided in Subsection F of this Section,
 6 if the member meets the conditions of that Subsection, whichever is greater.

7 B. If any member of the fire department while in the active service of said
 8 fire department becomes and is found to be totally, permanently physically or
 9 mentally disabled for service in said fire department by reason of service therein, but
 10 physically and mentally capable and able to do and perform work of any other
 11 reasonable kind or character and be so found by the said board of trustees by a two-
 12 thirds majority vote of its members, the board shall retire the member, place his
 13 name on the pension roll, and order immediate payment in monthly installments to
 14 him from the pension and relief fund in a sum equal to one-half the monthly
 15 compensation allowed him as salary at the date of his retirement or the amount
 16 provided in Subsection F of this Section, if the member meets the conditions of that
 17 Subsection, whichever is greater.

18 * * *

19 §3377. Retirement for nonservice connected disability; method of establishing
 20 pension

21 A. If any member of the fire department shall become physically or mentally
 22 permanently disabled and incapacitated to perform his duties, and such disability is
 23 not the direct result of a service-incurred injury or illness, then, upon application
 24 filed by the member in accordance with R.S. 11:3376, the board of trustees, by a
 25 two-thirds majority vote of its members, shall determine whether or not such
 26 member shall be retired for disability. ~~Provided, that the~~ The procedure to establish
 27 such disability and to determine the continuance thereof shall be the same as that
 28 prescribed in R.S. 11:3376. The amount of the pension to be received by any

1 member retired in accordance with the provisions of this Section shall be based on
2 the following schedule:

3 * * *

4 §3382. Cost-of-living increases

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

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

20 * * *

21 Section 2. The terms of the members of the board of trustees elected pursuant to R.S.
22 11:3362(A)(3) and (4) serving in office on the effective date of this Act shall terminate on
23 the effective date of the Act; however, such members shall continue to serve until a
24 successor is elected pursuant to the provisions of this Act. The board of trustees shall call
25 a special election to fill the vacancies created by this Act.

26 Section 3. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____