

Regular Session, 2014

HOUSE BILL NO. 94

BY REPRESENTATIVE LEGER

1 AN ACT

2 To amend and reenact R.S. 11:3384(A), (B), and (D) and 3386, relative to new members of
3 the Firefighters' Pension and Relief Fund in the city of New Orleans; to provide
4 relative to membership in the system for such members; to provide relative to
5 retirement eligibility and benefits for such members; to provide relative to
6 beneficiaries and survivors of certain such members; to provide for an effective date;
7 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. 11:3384(A), (B), and (D) and 3386 are hereby amended and
13 reenacted to read as follows:

14 §3384. Firefighters employed after December 31, 1967; computation of benefits
15 A.(1) Notwithstanding R.S. 11:3381, any firefighter who enters the employ
16 of the fire department after December 31, 1967, and on or before December 31,
17 2014, who has reached the age of fifty years and who has not less than twelve years
18 of service in the fire department, and who is a contributing member of this system,
19 may retire upon his written application to the board setting forth at what time he
20 desires to be retired, provided that, at the time so specified for his retirement, he shall
21 have met the requirements as provided in this Section.

22 (2) Any firefighter who enters the employ of the fire department on or after
23 January 1, 2015, who has reached the age of fifty-two years, who has not less than
24 twelve years of service in the fire department, and who is a contributing member of

1 this system may retire upon his written application to the board setting forth at what
2 time he desires to be retired, if at the time so specified for his retirement he meets the
3 requirements as provided in this Section.

4 B.(1) ~~If the~~ a firefighter employed by the fire department on or before
5 December 31, 2014, has worked one or more hours of service after December 31,
6 1995, he shall receive a retirement benefit equal to two and one-half percent of his
7 average compensation based on the five highest consecutive years of employment,
8 multiplied by the number of years of creditable service. If the member continues to
9 remain a member of the system beyond twelve years of service and such member
10 attains the age of fifty, the retirement benefit for each year or portion of a year
11 beyond twelve years of service and after age fifty shall be an amount equal to three
12 and one-third percent of the average annual compensation for each year or portion
13 of a year. If the member continues service beyond thirty years, the retirement benefit
14 for each year or portion of a year beyond twelve years of service shall be an amount
15 equal to three and one-third percent of the average annual compensation for each
16 year or portion of a year. However, the retirement benefit shall not exceed a total of
17 three and one-third percent each year. The service benefits of such firefighter shall
18 not exceed one hundred percent of the average compensation earned during any five
19 highest average consecutive years of service preceding retirement.

20 (2) A firefighter who enters the employ of the fire department on or after
21 January 1, 2015, shall receive a retirement benefit equal to two and three quarters
22 percent of his average compensation based on the five highest consecutive years of
23 employment, multiplied by the number of years of creditable service. The service
24 benefits of such firefighters shall not exceed one hundred percent of the average
25 compensation earned during any five highest average consecutive years of service
26 preceding retirement.

27 * * *

28 D.(1) Any member who entered service after December 31, 1967, and on or
29 before December 31, 2014, whose withdrawal from service occurs prior to the
30 attainment of age fifty years and who shall at such time have completed at least

1 twelve years of creditable service, shall remain a member of the retirement system,
2 and in such case said member shall receive a service retirement beginning when he
3 attains the age of fifty years.

4 (2) Any member who enters the employ of the fire department on or after
5 January 1, 2015, whose withdrawal from service occurs prior to the attainment of
6 fifty-two years of age and who shall at such time have completed at least twelve
7 years of creditable service shall remain a member of the retirement system, and in
8 such case said member shall receive a service retirement beginning when he attains
9 fifty-two years of age.

10 * * *

11 §3386. Vested rights and benefits

12 A. Any member employed by the fire department on or before December 31,
13 2014, whose withdrawal from service occurs prior to the attainment of age fifty years
14 and who shall at such time have completed at least twelve years but less than twenty
15 of creditable service shall remain a member of the pension and relief fund, and, in
16 such a case, ~~said~~ the member shall receive a service retirement benefit beginning
17 when he attains the age of fifty years, provided such member has not withdrawn his
18 accumulated contributions. The retirement benefit to be paid shall be two and
19 one-half percent of average compensation during the best year of service preceding
20 the date of withdrawal from service for each year of credited service. If the member
21 dies after withdrawal from service but prior to attaining age fifty but having twelve
22 years credited service, his widow and/or children and/or survivors shall be entitled
23 to receive his accumulated contributions in a lump sum with interest credited thereto.
24 If the member receiving benefits under this ~~Section~~ Subsection dies, his surviving
25 widow shall receive the minimum benefit as set forth in R.S. 11:3383. If the member
26 receiving benefits under this ~~Section~~ Subsection dies leaving a widow and children
27 under the age of eighteen, then the widow and children under eighteen years of age
28 shall receive the minimum benefit as set forth in R.S. 11:3383 equally divided
29 between them. When the children of the member attain the age of eighteen or

1 become married while receiving benefits under this ~~Section~~ Subsection, the benefits
2 they are receiving shall be paid to the widow of the member.

3 B. Any member who enters the employ of the fire department on or after
4 January 1, 2015, whose withdrawal from service occurs prior to the attainment of
5 fifty-two years of age and who shall at such time have completed at least twelve
6 years but less than twenty years of creditable service shall remain a member of the
7 pension and relief fund, and, in such a case, said member shall receive a service
8 retirement benefit beginning when he attains fifty-two years of age, provided such
9 member has not withdrawn his accumulated contributions. The retirement benefit
10 to be paid shall be two and one-half percent of average compensation during the best
11 year of service preceding the date of withdrawal from service for each year of
12 credited service. If the member dies after withdrawal from service but prior to
13 attaining age fifty-two but having twelve years credited service, his widow, child or
14 children, or estate, as applicable, shall be entitled to receive his accumulated
15 contributions in a lump sum with interest credited thereto. If the member receiving
16 benefits under this Subsection dies, his surviving widow shall receive the minimum
17 benefit as set forth in R.S. 11:3383. If the member receiving benefits under this
18 Subsection dies leaving a widow and children under the age of eighteen, then the
19 widow and children under eighteen years of age shall receive the minimum benefit
20 as set forth in R.S. 11:3383 equally divided between them. When the children of the
21 member attain the age of eighteen or become married while receiving benefits under
22 this Subsection, the benefits they are receiving shall be paid to the widow of the
23 member.

24 Section 2.(A) There is hereby created the New Orleans Firefighters' Pension Study
25 Group. The group shall be composed of six members as follows:

26 (1) One member appointed by the Speaker of the House from the New Orleans
27 legislative delegation.

28 (2) One member appointed by the President of the Senate from the New Orleans
29 legislative delegation.

30 (3) One member appointed by the mayor of the city of New Orleans.

1 (4) One member appointed by the New Orleans city council.

2 (5) One member from the Firefighters' Pension and Relief Fund in the city of New
3 Orleans board of trustees.

4 (6) One member from the New Orleans firefighters' union, Local No. 632.

5 (B) The study group shall meet at least three times and shall study and submit a
6 report relative to the Firefighters' Pension and Relief Fund in the city of New Orleans to the
7 House and Senate Committees on Retirement no later than January 15, 2015.

8 Section 3. (A) The provisions of this Section and Section 2 of this Act shall become
9 effective June 30, 2014.

10 (B) The provisions of Section 1 of this Act shall become effective January 1, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____