

**ACT No. 813**

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_