

ACT No. 651

2016 Regular Session

HOUSE BILL NO. 56

BY REPRESENTATIVES LEGER AND BAGNERIS

1 AN ACT

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

15 §3384. Firefighters employed after December 31, 1967; computation of benefits

16 A.

17 * * *

18 (2) Any firefighter who enters the employ of the fire department on or after
19 January 1, 2015, and before August 15, 2016, who has reached the age of fifty-two
20 years, who has not less than twelve years of service in the fire department, and who
21 is a contributing member of this system may retire upon his written application to the
22 board setting forth at what time he desires to be retired, if at the time so specified for
23 his retirement he meets the requirements as provided in this Section.

1 (3) Any firefighter who enters the employ of the fire department on or after
 2 August 15, 2016, who has reached retirement age as defined in 42 U.S.C. 416(l)(1),
 3 hereinafter in this Part referred to as full retirement age, less ten years, who has not
 4 less than twelve years of service in the fire department, and who is a contributing
 5 member of this system may retire upon his written application to the board setting
 6 forth at what time he desires to be retired, if at the time so specified for his
 7 retirement he meets the requirements provided in this Section.

8 B.

9 * * *

10 (2) A firefighter who enters the employ of the fire department on or after
 11 January 1, 2015, and before August 15, 2016, shall receive a retirement benefit equal
 12 to two and ~~three quarters~~ three-quarters percent of his average compensation, based
 13 on the five highest consecutive years of employment, multiplied by the number of
 14 years of creditable service. The service benefits of such firefighters shall not exceed
 15 one hundred percent of the average compensation earned during any five highest
 16 average consecutive years of service preceding retirement.

17 (3) A firefighter who enters the employ of the fire department on or after
 18 August 15, 2016, shall receive a retirement benefit equal to two and one-half percent
 19 of his average compensation, based on the five highest consecutive years of
 20 employment, multiplied by the number of years of creditable service. The service
 21 benefits of such firefighters shall not exceed one hundred percent of the average
 22 compensation earned during any five highest average consecutive years of service
 23 preceding retirement.

24 * * *

25 D.

26 * * *

27 (2) Any member who enters the employ of the fire department on or after
 28 January 1, 2015, and before August 15, 2016, whose withdrawal from service occurs
 29 prior to the attainment of fifty-two years of age and who shall at such time have
 30 completed at least twelve years of creditable service shall remain a member of the

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

1 retirement system, and in such case ~~said~~ the member shall receive a service
2 retirement beginning when he attains fifty-two years of age.

3 (3)(a) Any member who enters the employ of the fire department on or after
4 August 15, 2016, whose withdrawal from service occurs prior to the attainment of
5 the full retirement age, less ten years and who at that time has completed at least
6 twelve years of creditable service shall remain a member of the retirement system
7 and receive a service retirement calculated as provided in Paragraph (B)(3) of this
8 Section beginning when he attains the full retirement age, less ten years.

9 (b) If a member with twelve years of creditable service dies after withdrawal
10 from service but prior to attaining the full retirement age, less ten years, his widow,
11 child or children, or estate, as applicable, shall receive his accumulated contributions
12 in a lump sum with interest credited thereto. If a member receiving benefits pursuant
13 to Subparagraph (a) of this Paragraph dies, his spouse and children shall receive a
14 benefit as provided in R.S. 11:3386(B)(2).

15 * * *

16 §3386. Vested rights and benefits

17 * * *

18 B.(1) Any member who enters the employ of the fire department on or after
19 January 1, 2015, and before August 15, 2016, whose withdrawal from service occurs
20 prior to the attainment of fifty-two years of age and who shall at such time have
21 completed at least twelve years but less than twenty years of creditable service shall
22 remain a member of the pension and relief fund, and, in such a case, said member
23 shall receive a service retirement benefit beginning when he attains fifty-two years
24 of age, provided such member has not withdrawn his accumulated contributions.
25 The retirement benefit to be paid shall be two and one-half percent of average
26 compensation during the best year of service preceding the date of withdrawal from
27 service for each year of credited service. If the member dies after withdrawal from
28 service but prior to attaining age fifty-two but having twelve years credited service,
29 his widow, child or children, or estate, as applicable, shall be entitled to receive his
30 accumulated contributions in a lump sum with interest credited thereto.

1 (2) If the member receiving benefits under this Subsection or R.S.
2 11:3384(D)(3)(a) dies, his surviving widow shall receive the minimum benefit as set
3 forth in R.S. 11:3383. If the member receiving benefits under this Subsection or R.S.
4 11:3384(D)(3)(a) dies leaving a widow and children under the age of eighteen, then
5 the widow and children under eighteen years of age shall receive the minimum
6 benefit as set forth in R.S. 11:3383 equally divided between them. When the
7 children of the member attain the age of eighteen or become married while receiving
8 benefits under this Subsection, the benefits they are receiving shall be paid to the
9 widow of the member.

10 Section 2. This Act shall become effective on August 15, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____