
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 41
by Representative Arnold

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 11:3362(A)" to "R.S. 11:3362, 3376(A) and (B),
3 3377(A)(introductory paragraph), and"

4 AMENDMENT NO. 2

5 On page 1, line 5, after "increases" delete the semicolon ";" and insert "and disability
6 benefits; to provide relative to elections to the board;"

7 AMENDMENT NO. 3

8 On page 1, delete line 11 in its entirety and insert in lieu thereof: "Section 1. R.S. 11:3362,
9 3376(A) and (B), 3377(A)(introductory paragraph), and 3382(A) are hereby amended and
10 reenacted to read"

11 AMENDMENT NO. 4

12 On page 1, delete lines 18 and 19 in their entirety and insert in lieu thereof:

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

14 AMENDMENT NO. 5

15 On page 2, delete lines 1 through 20 in their entirety and insert in lieu thereof:

16 "(4) ~~Three~~ Two members elected from the ranks of retired members of the
17 department.

18 (5) One member who is domiciled in and an elector of the city of New
19 Orleans and who is appointed by the mayor subject to confirmation by the New
20 Orleans city council. A vacancy in this position shall be filled in the same manner
21 as the original appointment.

22 ~~The terms of the hereinabove named trustees shall be for a period of two
23 years, beginning from the date of the election, the second Wednesday in December,
24 1969, and ending on the second Wednesday of January, 1972; and thereafter their
25 terms shall be for a period of two years with elections held every two years.~~

26 B.(1) The terms of members shall be two years and shall begin on the fourth
27 Wednesday in August. The first election to the board, as hereinabove constituted,
28 shall be held on the second Wednesday of December, 1969, and all subsequent
29 elections shall be held on the second Wednesday of December and the members so
30 elected shall take office on the second Wednesday in January immediately following
31 such election.

32 (2)(a) The election of the elected members to the board shall be held on the
33 fourth Wednesday in August. Members so elected shall take office at noon on the
34 day following such election. Special elections may be called by the board as then
35 constituted when vacancies occur on the board by death, resignation, or otherwise.
36 Special elections or appointments shall be completed within thirty days after a
37 vacancy occurs on the board.

38 ~~(b) The elections as hereinabove described or special~~ All elections of the
39 members of the board shall be held between the hours of 6:00 A.M. and 8:00 P.M.
40 at the department of fire headquarters or such place or places which the board may
41 designate at its regular meeting held during the month of ~~November~~ July,

1 immediately preceding the holding of its ~~bi-annual~~ biannual election, ~~provided, that~~
2 ~~all~~ All persons entitled to vote at any such election shall be notified of the place or
3 places at which the election will be held at least ten days prior to the date thereof.

4 C. The board shall elect a president from the membership of the board. It
5 shall also elect a secretary-treasurer, ~~who shall be elected solely from the elected~~
6 ~~members of the board~~. Should a vacancy among the members of the board occur six
7 months or more prior to any election, the board shall call a special election to fill
8 such vacancy; if no candidate qualifies within fifteen days after vacancy occurs, the
9 board shall fill such vacancy by appointment. If a vacancy occurs less than six
10 months prior to any election, the board shall fill such vacancy by appointment. Any
11 person elected or appointed to fill a vacancy in the membership of the board, as
12 hereinabove set forth, shall be elected or appointed by nomination from the group,
13 active or retired, which suffered loss of representation on the board by reason of such
14 vacancy, but all members of the board shall vote on appointments and all members
15 active or retired shall vote on all candidates for election.

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

20 * * *

21 §3376. Disability payments; notice of injury; periodic examination; order to return
22 to active duty

23 A. If any member of the fire department of the city, while in the performance
24 of his duty, becomes and is found upon examination by the department physician to
25 be physically or mentally permanently disabled and incapacitated from performing
26 his duties as a member of the fire department, or is unable to hold any other
27 meaningful and gainful employment, by reason of service in the fire department, the
28 board on application by the member for disability payments in accordance with this
29 Part on a form provided by the board shall request that the civil service physician
30 certify the fact of disability of said applicant, and the board of trustees, by a two-
31 thirds majority vote of its members, shall determine whether or not the member
32 should be retired for disability. In making this determination the board of trustees
33 may order the member to submit to any other doctor or specialist selected by the
34 board of trustees. Failure of the member to submit to any examination ordered by
35 the board of trustees shall forfeit his and his dependent's right to pension and relief
36 under this Part. When the board of trustees determines that the member should be
37 retired for disability incurred in the performance of his duty or service in the fire
38 department, it shall retire the member, place his name on the pension roll, and order
39 the immediate payment in monthly installments to him from the pension and relief
40 fund of a sum equal to two-thirds the monthly compensation allowed him as salary
41 at the date of his retirement, or the amount provided in Subsection F of this Section,
42 if the member meets the conditions of that Subsection, whichever is greater.

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

54 * * *

55 §3377. Retirement for nonservice connected disability; method of establishing
56 pension

57 A. If any member of the fire department shall become physically or mentally
58 permanently disabled and incapacitated to perform his duties, and such disability is
59 not the direct result of a service-incurred injury or illness, then, upon application

1 filed by the member in accordance with R.S. 11:3376, the board of trustees, by a
2 two-thirds majority vote of its members, shall determine whether or not such
3 member shall be retired for disability. ~~Provided, that the~~ The procedure to establish
4 such disability and to determine the continuance thereof shall be the same as that
5 prescribed in R.S. 11:3376. The amount of the pension to be received by any
6 member retired in accordance with the provisions of this Section shall be based on
7 the following schedule: "

8 AMENDMENT NO. 6

9 On page 3, line 1, after "two-thirds of the" delete the remainder of the line in its entirety and
10 at the beginning of line 2, delete "quorum is present." and insert in lieu thereof "entire
11 board."

12 AMENDMENT NO. 7

13 On page 3, at the beginning of line 6, change "members present and voting when a quorum
14 is present." to "entire board."

15 AMENDMENT NO. 8

16 On page 3, line 11, after "Section 2." delete the remainder of the line and delete lines 12
17 through 15 in their entirety and insert in lieu thereof:

18 "The terms of the members of the board of trustees elected pursuant to R.S.
19 11:3362(A)(3) and (4) serving in office on the effective date of this Act shall terminate on
20 the effective date of the Act; however, such members shall continue to serve until a
21 successor is elected pursuant to the provisions of this Act. The board of trustees shall call
22 a special election to fill the vacancies created by this Act."