

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Retirement to Original House Bill No. 49
by Representative Pearson

1 AMENDMENT NO. 1

2 On page 1, line 2, between "R.S. 11:3362," and "relative to" insert "3376(A) and (B),
3 3377(A)(introductory paragraph), and 3382(A),"

4 AMENDMENT NO. 2

5 On page 1, line 6, between "members;" and "and to" insert "to provide relative to the powers
6 of the board with respect to certain benefits;"

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 as follows:"

11 AMENDMENT NO. 4

12 On page 1, line 17, change "one member" to "two members"

13 AMENDMENT NO. 5

14 On page 1, line 19, change "one member" to "two members"

15 AMENDMENT NO. 6

16 On page 3, between lines 14 and 15 insert the following:

17 ** * *
18 §3376. Disability payments; notice of injury; periodic examination; order to return
19 to active duty
20 A. If any member of the fire department of the city, while in the performance
21 of his duty, becomes and is found upon examination by the department physician to
22 be physically or mentally permanently disabled and incapacitated from performing
23 his duties as a member of the fire department, or is unable to hold any other
24 meaningful and gainful employment, by reason of service in the fire department, the
25 board on application by the member for disability payments in accordance with this
26 Part on a form provided by the board shall request that the civil service physician
27 certify the fact of disability of said applicant, and the board of trustees, by a two-
28 thirds majority vote of its members, shall determine whether or not the member
29 should be retired for disability. In making this determination the board of trustees
30 may order the member to submit to any other doctor or specialist selected by the
31 board of trustees. Failure of the member to submit to any examination ordered by
32 the board of trustees shall forfeit his and his dependent's right to pension and relief
33 under this Part. When the board of trustees determines that the member should be
34 retired for disability incurred in the performance of his duty or service in the fire
35 department, it shall retire the member, place his name on the pension roll, and order
36 the immediate payment in monthly installments to him from the pension and relief
37 fund of a sum equal to two-thirds the monthly compensation allowed him as salary
38 at the date of his retirement, or the amount provided in Subsection F of this Section,
39 if the member meets the conditions of that Subsection, whichever is greater.

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

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

12 * * *

13 §3377. Retirement for nonservice connected disability; method of establishing
14 pension

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

25 * * *

26 §3382. Cost-of-living increases

27 A.(1) The board of trustees ~~shall be authorized to~~ may use interest earnings
28 on investments of the system in excess of normal requirements as determined by the
29 actuary to provide an annual cost-of-living increase in benefits for retired members
30 ~~who have retired~~ and widows of retired members ~~who have retired~~ in an amount not
31 to exceed three percent of the original benefit. Such benefits shall be paid only when
32 funds are available from this source, from funds appropriated for this purpose by the
33 city of New Orleans, or from other sources designated for this purpose, and
34 payments if approved by two-thirds of the members of the board present and voting
35 when a quorum is present. Payments shall be made in such manner and in such
36 amount as ~~may be determined by~~ the board of trustees determines, based on funds
37 available.

38 (2) In addition to the increase provided for in Paragraph (1) of this
39 Subsection, the board ~~shall be authorized to~~ may, if approved by two-thirds of the
40 members present and voting when a quorum is present, provide an annual
41 cost-of-living increase to retired members and widows of retired members who are
42 sixty-five years of age and older, in an amount not to exceed two percent of the
43 original benefit.

44 * * *

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