



to make a determination of eligibility for disability benefits.

Requires that within 10 days after the board has reached its decision, it notify the officer of its decision by certified mail. If the board denies the claim, the officer shall have one year from the date of denial to file suit against the state through the board in the parish where the incident that brought about the permanent and total disability occurred. The date of denial shall be calculated as one year from date of receipt of the decision from the board.

Provides that if the board determines the officer qualifies for the benefit herein, the board shall notify the state risk manager.

Provides that no benefit is payable under proposed law with respect to the disability of an officer if a benefit is payable under present law with respect to the death of the officer. Further, no benefit is payable under present law with respect to the death of an officer if a benefit is payable under proposed law with respect to the disability of the officer.

Provides that no benefit shall be payable under proposed law if any of the following applies:

- (1) The catastrophic injury was caused by the intentional misconduct of the officer or by the officer's intention to bring about his death, disability, or injury.
- (2) The officer was voluntarily intoxicated at the time of his catastrophic injury.
- (3) The officer was performing his duties in a grossly negligent manner at the time of his catastrophic injury.

Present law creates the Self-Insurance Fund in the state treasury consisting of all premiums paid by state agencies under the state's risk management program, the investment income earned from such premiums and commissions. Present law provides that the fund shall be used only for the payment of losses incurred by state agencies under the self-insurance program, premiums for insurance obtained through commercial carriers, administrative expenses associated with the management of the state's risk, law enforcement officers and firemen's survivors benefits, the payment of losses incurred by the Jefferson Parish Human Services Authority, the Capital Area Human Services District, the Florida Parishes Human Services Authority, the Metropolitan Human Services District, the Northeast Delta Human Services Authority, and the South Central Louisiana Human Services Authority, and the funding of the legal services, such funds to be administered by the commissioner of administration.

Proposed law adds that the fund shall also be used to pay law enforcement officers' and firemen's disability benefits as provided for in proposed law. Otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 39:1533(A); adds R.S. 40:1668)