2016 Regular Session

HOUSE BILL NO. 24

BY REPRESENTATIVE MONTOUCET

1	AN ACT
2	To amend and reenact R.S. 11:2258(A) and (B)(introductory paragraph) and to enact R.S.
3	11:2258.1, relative to eligibility for disability benefits from the Firefighters
4	Retirement System; to provide relative to eligibility for disability benefits; to provide
5	for appeals of board decisions regarding eligibility; and to provide for related
6	matters.
7	Notice of intention to introduce this Act has been published
8	as provided by Article X, Section 29(C) of the Constitution
9	of Louisiana.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 11:2258(A) and (B)(introductory paragraph) are hereby amended and
12	reenacted and R.S. 11:2258.1 is hereby enacted to read as follows:
13	§2258. Disability retirement
14	A.(1) Eligibility Except as provided in Paragraph (2) of this Subsection,
15	eligibility for disability benefits, procedures for application for disability benefits,
16	procedures for the certification of continuing eligibility for disability benefits, the
17	authority of the board of trustees to modify disability benefits, and procedures
18	governing the restoration to active service of an employee who formerly had a
19	disability are specifically described and provided for in R.S. 11:201 shall be
20	governed by the provisions of R.S. 11:215 through 224.
21	(2)(a) No member is eligible for a disability benefit if his disability is a direct
22	or indirect result of a condition that existed prior to membership in this system. For
23	example but not as a limitation, if a member's disability develops because his service
24	exacerbates an injury sustained prior to membership in this system, he is not eligible
25	for benefits stemming from that disability.

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CODING: Words in struck through type are deletions from existing law; words $\underline{\text{underscored}}$ are additions.

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1 (b) In determining whether a member's disability is a result of a condition 2 that existed prior to membership in this system, the board of trustees shall consider 3 medical and other factual information; however, the board shall not consider the fact 4 that the member was determined by medical examination to be fit for employment 5 as a firefighter as indicative of the absence of preexisting conditions. 6 B. The board of trustees shall award disability benefits to eligible members 7 who have been officially certified as having a disability by the State Medical 8 Disability Board unless the board of trustees determines that the disability is a direct 9 or indirect result of a condition that existed prior to employment in this system. The 10 disability benefit shall be determined as follows: 11 12 §2258.1. Disability benefits; appeal 13 An appeal of a decision regarding eligibility for disability benefits pursuant 14 to R.S. 11:2258(A)(2) may be instituted by the member or his beneficiary by filing 15 a petition in the appropriate district court within thirty days after receipt of written 16 notice of the decision. 17 Section 2. This Act shall become effective upon signature by the governor or, if not 18 signed by the governor, upon expiration of the time for bills to become law without signature 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become 21 effective on the day following such approval. SPEAKER OF THE HOUSE OF REPRESENTATIVES PRESIDENT OF THE SENATE GOVERNOR OF THE STATE OF LOUISIANA APPROVED: ___

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