

**ACT No. 209**

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.

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_