

2016 Regular Session

HOUSE BILL NO. 24

BY REPRESENTATIVE MONTOUCET

RETIREMENT/FIREFIGHTERS: Provides that a member of the Firefighters' Retirement System is not eligible for disability retirement benefits if his disability is indirectly a result of a preexisting condition

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 by 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 through 224.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 24 Engrossed

2016 Regular Session

Montoucet

Abstract: Prohibits a member of the Firefighters' Retirement System (FRS) from receiving a disability retirement benefit if his disability is indirectly a result of a preexisting condition. Provides relative to appeals of eligibility decisions based on the cause of the disability.

Present law provides for a disability retirement for members of FRS. Provides for determination of the amount of the disability benefit. Provides that eligibility for a disability retirement is determined by a physician.

Present law, relative to all state and statewide retirement systems, provides that any disability claimed must have been incurred after commencement of service in the retirement system and that a disability claim for a preexisting condition shall not be honored.

Proposed law retains present law and, relative to FRS, provides that a member is not eligible for a disability benefit if the disability is *indirectly* a result of a preexisting condition, for example, if fire department employment has made such a condition worse. Prohibits the board of trustees from considering the fact that the member was found to be fit for fire department employment in determining whether a disability is the result of a preexisting condition. Proposed law further provides that an appeal of a decision that the member is ineligible because the disability preceded employment may be instituted by filing a petition in the district court within 30 days after receipt of written notice of the decision.

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

(Amends R.S. 11:2258(A) and (B)(intro. para.); Adds R.S. 11:2258.1)