

Regular Session, 2011

HOUSE BILL NO. 352

BY REPRESENTATIVE ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

RETIREMENT/FIREFIGHTERS: Changes the sunset date on a member's option to convert from regular retirement to disability retirement so as to retain the option for an additional five years

1 AN ACT

2 To amend and reenact R.S. 11:2258(B)(2)(d), relative to the Firefighters' Retirement  
3 System; to extend the time period during which a member may convert from regular  
4 to disability retirement; to require the Public Retirement Systems' Actuarial  
5 Committee to report on the effect of such conversions; to provide an effective date;  
6 and to provide for related 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(B)(2)(d) is hereby amended and reenacted to read as  
12 follows:

13 §2258. Disability retirement

14 \* \* \*

15 B. The board of trustees shall award disability benefits to eligible members  
16 who have been officially certified as disabled by the State Medical Disability Board.

17 The disability benefit shall be determined as follows:

18 \* \* \*

19 (2)

20 \* \* \*

1 (d) The authority of a retired member or a Deferred Retirement Option Plan  
 2 participant to convert from a service retirement to a service connected disability  
 3 retirement pursuant to the provisions of this ~~Subparagraph~~ Paragraph shall cease on  
 4 ~~July 1, 2011.~~ July 1, 2016. The Public Retirement Systems' Actuarial Committee  
 5 shall publish reports as part of the actuarial valuations of this system and the reports  
 6 shall include the results of studies of the actuarial impact of all such conversions  
 7 occurring between ~~July 1, 2001, and July 1, 2006, and between July 1, 2006, and July~~  
 8 ~~1, 2011~~ July 1, 2001, and June 30, 2006; July 1, 2006, and June 30, 2011; and July  
 9 1, 2011, and June 30, 2016.

10 \* \* \*

11 Section 2. This Act shall become effective on July 1, 2011; if vetoed by the governor  
 12 and subsequently approved by the legislature, this Act shall become effective on July 1,  
 13 2011, or on the day following such approval by the legislature, whichever is later.

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#### 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)]

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St. Germain

HB No. 352

**Abstract:** Changes the sunset date on a Firefighters' Retirement System (FRS) member's option to convert from regular to disability retirement so as to retain the option for an additional five years.

Present law authorizes the FRS board of trustees to award disability benefits to eligible members who have been officially certified as disabled by the State Medical Disability Board.

Present law provides that a retired member or a Deferred Retirement Option Plan (DROP) participant who becomes disabled for any reason is permitted to apply for conversion of a service retirement to a service connected disability retirement.

Present law provides that in order to receive a service connected disability retirement, the applicant must demonstrate by clear and convincing evidence that the conditions causing the disability occurred during active employment as a firefighter, even though the actual physical disability may not have become manifest until after the effective date of either commencement of participation in DROP or commencement of retirement.

Present law provides that the actuarial cost of any service connected disability benefit granted to a person may not exceed the actuarial cost of the same person's service retirement and that any option selected with regard to the receipt of his service retirement shall not change.

Present law provides that the authority of a DROP participant to convert from a service retirement to a service connected disability retirement "sunsets" on July 1, 2011. Proposed law changes the sunset date from July 1, 2011 to July 1, 2016.

Present law requires the Public Retirement Systems' Actuarial Committee to publish a report as part of the actuarial valuation of the system which includes the results of a study of the actuarial impact of all such conversions occurring between July 1, 2001 and July 1, 2006, and between July 1, 2006 and July 1, 2011. Proposed law requires an additional study for the five years between July 1, 2011 and July 30, 2016.

Effective July 1, 2011.

(Amends R.S. 11:2258(B)(2)(d))