

2017 Regular Session

HOUSE BILL NO. 35

BY REPRESENTATIVE CARPENTER

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

RETIREMENT/FIREFIGHTERS: Provides relative to the offset of disability retirement benefits of members of the Firefighters' Retirement System based on receipt of workers' compensation benefits

1 AN ACT

2 To amend and reenact R.S. 11:2258(D), relative to disability retirement benefits of members  
3 of the Firefighters' Retirement System; to provide for reporting; to provide a  
4 presumption; and to provide for related matters.

5 Notice of intention to introduce this Act has been published  
6 as provided by Article X, Section 29(C) of the Constitution  
7 of Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 11:2258(D) is hereby amended and reenacted to read as follows:  
10 §2258. Disability retirement

11 \* \* \*

12 D. (1) Notwithstanding the provisions of R.S. 23:1225, when any member  
13 acquires a disability and is entitled to a disability benefit from the retirement system,  
14 the disability benefit payable for any month that the member is also receiving  
15 worker's compensation benefits shall be reduced, if necessary, so that the total of  
16 both benefits shall not exceed the member's average final compensation. The benefit  
17 to be paid shall be computed such that the disability benefit from the retirement  
18 system and the worker's compensation benefit shall each be paid in respect to the  
19 ratio that each individual benefit bears to the total of both benefits, to which the

1 member would be entitled prior to reduction, multiplied by the average final  
2 compensation of the member.

3 (2) On or before May thirty-first of each calendar year, the system shall  
4 submit to the worker's compensation payor the name, social security number, and  
5 amount of reduction to the member's benefit payable by the retirement system for the  
6 forthcoming fiscal year. The reported reduction shall be presumed correct unless the  
7 workers' compensation payor objects to the reduction amount by written notice to the  
8 system on or before June thirtieth of the same calendar year.

9 \* \* \*

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 35 Engrossed

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**Abstract:** Requires the Firefighters' Retirement System (FRS) to report disability benefit reductions to workers' compensation payors.

Present law provides disability retirement benefits and workers' compensation benefits in amounts prescribed by law to an employee who is a member of FRS and who has a total disability as the result of injuries sustained in the performance of his official duties. Present law further provides that monthly disability retirement and workers' compensation benefits, when combined, shall not exceed the member's monthly average final compensation. If the combined benefits do exceed the member's monthly average final compensation, present law requires that both benefits be reduced, pro rata.

Proposed law requires FRS to report to the workers' compensation payor the name, social security number, and the amount of the FRS benefit reduction for each affected disability benefit recipient. Proposed law further provides that FRS shall report the required information no later than March 31 of each calendar year and that the reported amount shall be presumed correct unless the payor gives FRS notice otherwise on or before June 30.

(Amends R.S. 11:2258(D))