

2025 Regular Session

HOUSE BILL NO. 120

BY REPRESENTATIVE WILEY

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

MILITARY AFFAIRS/NATL GD: Provides relative to death benefits for members of the La. State Guard

1 AN ACT

2 To amend and reenact R.S. 29:26.1(A)(1), (B)(6), (C)(1) and (2)(a), and (F), 38.1(A),  
3 38.2(A)(1) and (C), 402(A) and (B), and 403(11) and (13), relative to the military  
4 forces of this state; to provide for definitions; to provide relative to death and  
5 disability benefits; to provide relative to prohibition of academic penalties; to  
6 provide for employment and other servicemembers protections; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:26.1(A)(1), (B)(6), (C)(1) and (2)(a), and (F), 38.1(A),  
10 38.2(A)(1) and (C), 402(A), and (B), and 403(11) and (13) are hereby amended and  
11 reenacted to read as follows:

12 §26.1. National Guard and State Guard death and disability benefits

13 A. Purpose. The purpose of this Section is:

14 (1) To establish an effective and efficient mechanism for providing death and  
15 disability benefits for Louisiana National Guardsmen and Louisiana State Guard  
16 members called to active duty service by the governor or the president of the United  
17 States.

18 \* \* \*

19 B. Definitions. As used in this Section, the following terms shall have the  
20 following meanings unless a different meaning is clearly required by context:

21 \* \* \*



1 §38.1. Prohibition against discrimination in employment of members of Armed  
2 Forces Reserve or ~~National Guard~~ Louisiana state military forces

3 A. No person who is a member of a reserve component of the Armed Forces  
4 of the United States or who is a member of the military forces of this state, including  
5 the Louisiana National Guard or Louisiana State Guard shall be denied employment,  
6 retention in employment or any promotion or other advantage of employment  
7 because of any obligation as a member of such reserve component or the ~~Louisiana~~  
8 ~~National Guard~~ military forces of this state.

9 \* \* \*

10 §38.2. Prohibition against academic penalties against student members of the  
11 uniformed services ~~of the United States~~

12 A.(1) No student member of the uniformed services ~~of the United States~~  
13 shall have his postsecondary education, including but not limited to colleges and  
14 universities, unnecessarily disrupted because of his military service, in accordance  
15 with the Board of Regents' "Policy on Reservist and National Guard  
16 Mobilization/Activation for Louisiana Public Postsecondary Education Institutions",  
17 (Section II, 8.2). No student member of the uniformed services ~~of the United States~~  
18 shall have his postsecondary education, including but not limited to postsecondary  
19 proprietary schools, vocational, technical, or trade schools, or nonpublic colleges and  
20 universities licensed to do business within the state of Louisiana as provided by law,  
21 unnecessarily disrupted because of his service in the uniformed services.

22 \* \* \*

23 C. As used in this Section, "uniformed services ~~of the United States~~" shall  
24 have the same meaning as defined in R.S. 29:403~~(11)~~(13).

25 \* \* \*

26 §402. Purpose

27 A. In order to provide for, strengthen, and expedite the national security  
28 under emergent conditions which threaten the peace and security of the United States  
29 and to enable those citizens of this state who perform service in the uniformed

1 services to more successfully devote their entire energy to the security needs of the  
 2 nation and state, provision is hereby made to provide reemployment rights and other  
 3 benefits for persons who perform service in the uniformed services of the United  
 4 States and the state of Louisiana. It is herein declared to be the policy of the state of  
 5 Louisiana that its citizens who serve their country and state and who leave their  
 6 employment, homes, and education shall not be penalized nor economically  
 7 disadvantaged because of their uniformed service.

8 B. The provisions of this Part shall be liberally construed for the benefit of  
 9 those called to serve the state of Louisiana and their country in the armed forces.  
 10 The purpose of this Part is to prevent veterans and servicemembers from being  
 11 disadvantaged and to prohibit discrimination against persons because of their  
 12 uniformed service when they return to civilian life. It is the sense of the legislature  
 13 that the state of Louisiana should be a model employer in carrying out the provisions  
 14 of this Part.

15 \* \* \*

16 §403. Definitions

17 As used in this Part, the following terms shall have the definitions ascribed  
 18 in this Section unless the context clearly requires otherwise:

19 \* \* \*

20 (11) "Service in the uniformed services" means the performance of duty on  
 21 a voluntary or involuntary basis in a uniformed service under competent authority  
 22 and includes active duty, active duty for training, initial active duty for training,  
 23 inactive duty training, full-time national guard duty, and a period for which a person  
 24 is absent from a position of employment for the purpose of an examination to  
 25 determine the fitness of the person to perform any such duty. "Service in the  
 26 uniformed services" also means service in the armed forces of the United States  
 27 pursuant to authorization by the United States Congress or presidential proclamation  
 28 pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.). "Service in the  
 29 uniformed services" also means state active duty by members of the military forces

1 of this state, including the national guard and the Louisiana State Guard who are  
2 activated pursuant to a call of the governor of this state or of any other state as  
3 provided for by law.

4 \* \* \*

5 (13) "Uniformed services" means the following:

6 (a) The armed forces of the United States as defined by 10 U.S.C. 101(a)(4),  
7 including reserved components of the armed forces, ~~the Army National Guard and~~  
8 ~~the Air National Guard,~~ the commissioned corps of the Public Health Service, and  
9 any other category of persons designated by the president in time of war or  
10 emergency.

11 (b) The members of the military forces of the state of Louisiana, including  
12 the Louisiana National Guard and the Louisiana State Guard.

13 (c) The members of the National Guard of other states and territories.

---

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 120 Original

2025 Regular Session

Wiley

**Abstract:** Extends various benefits and protections to the La. State Guardsmen that are currently provided to La. National Guardsmen.

Present law (R.S. 29:3) provides for a state militia comprised of the organized militia consisting of the national guard, the La. State Guard, and other organized military forces which may be authorized by law, and also consisting of the unorganized militia consisting of all other persons subject to military duty.

Present law provides for death and disability benefits for La. National Guardsmen called to active duty service by the governor or the president of the U.S.

Proposed law retains present law and provides for death and disability benefits for La. State Guardsmen called to active duty service by the governor or the president of the U.S.

Present law prohibits discrimination in employment against members of the La. National Guardsmen.

Proposed law extends present law to La. State Guardsmen.

Present law provides that no student member of the uniformed services of the U.S. shall have his postsecondary education, including but not limited to colleges and universities, unnecessarily disrupted because of his military service.

Proposed law retains present law and extends the academic protections to La. State Guardsmen.

(Amends R.S. 29:26.1(A)(1), (B)(6), (C)(1) and (2)(a), and (F), 38.1(A), 38.2(A)(1) and (C), 402(A) and (B), and 403(11) and (13))