

ACT No. 242

2025 Regular Session

HOUSE BILL NO. 120

BY REPRESENTATIVES WILEY, ADAMS, AMEDEE, BACALA, BAYHAM, BILLINGS, BUTLER, CHASSION, DEVILLIER, EGAN, FIRMENT, HORTON, KERNER, MOORE, NEWELL, OWEN, SPELL, STAGNI, THOMPSON, VILLIO, WALTERS, AND WYBLE

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 reenacted
11 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 (6) "Guardsmen or guardsmen" means a person who was an officer or
2 enlisted member of the Louisiana National Guard or Louisiana State Guard and, for
3 purposes of this Section's disability benefits, who was discharged or released from
4 all periods of federal and state service under honorable or general under honorable
5 conditions.

6 * * *

7 C. Claims for benefits. (1) All claims for death benefits provided for under
8 this Section shall be submitted to the Louisiana National Guard for national guard
9 members and the Louisiana Military Department for Louisiana state guard members.
10 All claims for disability benefits shall be submitted to the Louisiana Department of
11 Veterans Affairs.

12 (2) Each death benefit claim request shall include all of the following
13 documentation:

14 (a) The guardsman's signed ~~LANG~~ state military death beneficiary
15 designation form, or in the absence thereof, a signed DD Form 93.

16 * * *

17 F. Beneficiary designation by guardsmen. (1) Each member of LANG and
18 the Louisiana State Guard shall complete and execute a state military Death Benefit
19 Beneficiary Designation Form which shall contain the name of the beneficiary or
20 beneficiaries of the guardsman's death benefit under this Section to whom this
21 benefit shall be paid in a lump sum. In the absence of the Death Benefit Beneficiary
22 Designation Form, a DD Form 93 shall be used.

23 (2) All designation forms shall be signed by the guardsman before a witness
24 in the grade of E-7 or above in the LANG or Louisiana State Guard who shall also
25 sign the form.

26 (3) All designation forms shall be kept in the personnel files of the LANG
27 and the Louisiana State Guard in the regular course of business.

28 * * *

29 §38.1. Prohibition against discrimination in employment of members of Armed
30 Forces Reserve or ~~National Guard~~ Louisiana state military forces

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
 30 of this state, including the national guard and the Louisiana State Guard who are

1 activated pursuant to a call of the governor of this state or of any other state as
2 provided for by law.

3 * * *

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____