
DIGEST

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HB 123 Engrossed

2022 Regular Session

Mike Johnson

Abstract: Modifies the criteria for disability benefits available to La. National Guardsmen.

Present law provides for definitions.

Proposed law retains present law and modifies the definitions of "guardsman or guardsmen", "period of activation", and "qualifying subsequent examination". Creates the definition for "initial rating decision" and changes the term "qualifying subsequent examination" to "qualifying disability".

Present law provides that all death benefits claims provided under present law shall be submitted to the La. National Guard and that all claims for disability benefits shall be submitted to the La. Dept. of Veterans Affairs.

Present law provides that a disability rating decision reached by the U.S. Dept. of Veterans Affairs and certified by the La. secretary of veterans affairs or his designee shall be included in the documentation for a disability benefit claim.

Proposed law retains present law and provides that both a guardsman's initial rating decision and any subsequent rating decision shall be included in the documentation for a disability benefit claim.

Present law provides for during periods of activation, subsequent to Sept. 11, 2001, of a guardsman ordered by the governor or by the president of the U.S., benefits in a lump-sum amount of \$250,000 for a qualifying death, \$100,000 for a qualifying disability, and \$50,000 for a qualifying subsequent examination shall be paid by the state to a guardsman or his beneficiary, when such death or disability occurs during a period of activation in the line of duty as required by present law. Provides that such benefits shall be paid only when funds are available, having been appropriated for the purpose.

Proposed law retains present law and provides that a guardsman or his beneficiary shall be paid \$50,000 in benefits for a subsequent disability instead of a subsequent examination.

Present law provides that a qualifying disability shall be determined by the U.S. Dept. of Veterans Affairs or by the proper state entity that adjudicates such claims for guardsmen in accordance with state workers' compensation law and certified by the secretary of the La. Dept. of Veterans Affairs or his designee.

Proposed law retains present law and gives the U.S. Dept. of Veterans Affairs or the proper

adjudicatory state entity the additional option of determining what is a qualifying subsequent disability.

(Amends R.S. 29:26.1(B)(6)-(11), (C)(3)(b), (D)(1), and (E)(2); Adds R.S. 29:26.1(B)(12))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change language contained in the definition of "guardsman or guardsmen".