

2022 Regular Session

HOUSE BILL NO. 123

BY REPRESENTATIVE MIKE JOHNSON

1 AN ACT

2 To amend and reenact R.S. 29:26.1(B)(6)-(11), (C)(3)(b), (D)(1), and (E)(2) and to enact
3 R.S. 29:26.1(B)(12), relative to the Louisiana National Guard; to provide for
4 definitions; to provide for disability claims and death benefits; to provide for
5 availability of disability and death benefits; to provide for subsequent disabilities;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:26.1(B)(6)-(11), (C)(3)(b), (D)(1), and (E)(2) are hereby amended
9 and reenacted and R.S. 29:26.1(B)(12) is hereby enacted to read as follows:

10 §26.1. National Guard death and disability benefits

11 * * *

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

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15 (6) "Guardman or guardsmen" means a person who was an officer or
16 enlisted member of the Louisiana National Guard and, for purposes of this Section's
17 disability benefits, who was discharged or released from all periods of federal and
18 state service under honorable or general under honorable conditions.

19 (7) "Initial rating decision" means the first disability rating decision by the
20 United States Department of Veterans Affairs on the guardsman's first-filed claim
21 for service-connection of injuries.

1 (8) "LANG" means the Louisiana National Guard.

2 ~~(8)~~ (9) "Period of activation" means service during any declared national
3 emergency or contingency operations as defined by 10 U.S.C. 101(a)(13), or during
4 any state emergency declared by the governor of the state of Louisiana, within any
5 of the following:

6 (a) That period, subsequent to September 11, 2001, for which the governor
7 of the state of Louisiana orders a guardsman into state active service pursuant to R.S.
8 29:7.

9 (b) That period, subsequent to September 11, 2001, for which the president
10 of the United States orders a guardsman into active military duty, pursuant to 32
11 U.S.C. 502(f)(1).

12 (c) That period, subsequent to September 11, 2001, for which the president
13 of the United States orders a guardsman to federal active duty pursuant to 10 U.S.C.
14 12301, 12302, or 12303.

15 ~~(9)~~ (10) "Qualifying claim" means an application for benefits by a
16 guardsman or beneficiary for a qualifying death or disability incurred during a period
17 of activation in the line of duty, and meeting the documentation requirements of this
18 Section.

19 ~~(10)~~ (11) "Qualifying disability" means a one hundred percent permanent
20 total disability rating, or a permanent and total unemployability disability rating as
21 determined by the United States Department of Veterans Affairs and certified by the
22 Louisiana secretary of veterans affairs in a final adjudication of the initial rating
23 decision or as determined or certified by the proper state entity that adjudicates such
24 claims for guardsmen in accordance with the workers' compensation law of this state.
25 A qualifying disability shall be certified by the Louisiana secretary of veterans
26 affairs or his designee. As provided for in this Paragraph, the initial rating decision
27 shall not apply to a United States Department of Veterans Affairs rating decision
28 which predates service in the Louisiana National Guard.

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(2) A qualifying disability or qualifying subsequent disability shall be determined by the United States Department of Veterans Affairs or by the proper state entity that adjudicates such claims for guardsmen in accordance with the workers' compensation law of this state and certified by the secretary of the Louisiana Department of Veterans Affairs or his designee.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____