

2023 Regular Session

SENATE BILL NO. 115

BY SENATOR BOUDREAUX

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

VETERANS. Provides relative to educational benefits for children, spouses, and surviving spouses of certain veterans. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:288 and to enact R.S. 17:1686(D), relative to educational

3 benefits for children and spouses of certain veterans; to provide definitions; to

4 provide relative to eligibility; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:288 is hereby amended and reenacted to read as follows:

7 §288. Educational benefits for children, spouses, and surviving spouses of veterans

8 **A.(1) For the purpose of this Subsection, "qualified veteran" shall mean**

9 **a member of the armed forces of the United States of America who:**

10 **(a) Was either killed in action, died in active service from other causes,**

11 **is missing in action, is a prisoner of war, died as a result of a service-connected**

12 **disability incurred during a wartime period as defined in R.S. 29:251.2, or who,**

13 **prior to death, was rated ninety to one hundred percent service-connected**

14 **disabled by the United States Department of Veterans Affairs by evaluation of**

15 **the Rating Schedule or was determined by the department to be unemployable**

16 **as a result of a service-connected disability, and who was a resident of Louisiana**

17 **for a period of not less than twelve months immediately preceding entrance into**

1 service or for a period not less than twenty-four months prior to the veteran's
2 death.

3 (b) Is rated ninety to one hundred percent service-connected disabled by
4 the United States Department of Veterans Affairs by evaluation of the Rating
5 Schedule or is determined by the department to be unemployable as a result of
6 a service-connected disability and has been a resident of Louisiana for a period
7 of not less than twenty-four months prior to the veteran's child's admission into
8 a program of education at a public postsecondary institution.

9 ~~(3) Children, Any child,~~ not less than sixteen nor more than twenty-five years
10 of age, spouses, and surviving spouses, within ten years from the date of eligibility,
11 of members of the armed forces of the United States of America who were killed in
12 action or died in active service from other causes or who are missing in action or
13 who are prisoners of war or who died as a result of a service-connected disability
14 incurred during a wartime period defined in R.S. 29:251.2 and who for a period of
15 not less than twelve months immediately preceding their entrance into service were
16 residents of this state and children not less than sixteen nor more than twenty-five
17 years of age of veterans rated ninety to one hundred percent service-connected
18 disabled by the United States Department of Veterans Affairs by evaluation of the
19 Rating Schedule and children not less than sixteen nor more than twenty-five years
20 of age of veterans who have been determined by the department to be unemployable
21 as a result of a service-connected disability of a qualified veteran may attend any
22 state college or university, including institutions under the jurisdiction of the Board
23 of Supervisors of Community and Technical Colleges public postsecondary
24 education institution within the state, without having to pay tuition, matriculation,
25 registration, laboratory, athletic, medical, and other school-imposed fees, including
26 but not limited to nonresidency and other special fees if the veteran has been a
27 resident of this state for a period of not less than twenty-four months immediately
28 preceding the dependent's admission into a program of education.

29 B.(1) For the purpose of this Subsection, "qualified veteran" shall mean

1 a member of the armed forces of the United States of America who:

2 (a) Was killed in action, died in active service from other causes, is
3 missing in action, is a prisoner of war, died as a result of a service-connected
4 disability incurred during a wartime period as defined in R.S. 29:251.2, or who,
5 prior to death, was rated ninety to one hundred percent service-connected
6 disabled by the United States Department of Veterans Affairs by evaluation of
7 the Rating Schedule or was determined by the department to be unemployable
8 as a result of a service-connected disability, and was a resident of Louisiana for
9 a period of not less than twelve months immediately preceding entrance into
10 service or for a period not less than twenty-four months prior to death.

11 (2) A spouse or surviving spouse of a qualified veteran, within ten years
12 from the date of eligibility, may attend any public postsecondary education
13 institution within the state, without having to pay tuition, matriculation,
14 registration, laboratory, athletic, medical, and other school-imposed fees,
15 including but not limited to nonresidency and other special fees.

16 C. The public postsecondary education institution shall not grant the
17 benefits provided under the provisions of this Section if the student has received
18 or is receiving the benefits provided under the provisions of R.S. 17:1686.

19 Section 2. R.S. 17:1686(D) is hereby enacted to read as follows:

20 §1686. Scholarship for a child of a military person killed in performance of duty

21 * * *

22 D. The public postsecondary education institution shall not grant the
23 benefits provided under the provisions of this Section if the student has received
24 or is receiving the benefits provided under the provisions of R.S. 29:288.

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

DIGEST

SB 115 Original

2023 Regular Session

Boudreaux

Present law (R.S. 29:288) provides for spouses and children of certain veterans who were killed in action, died during active service, died as a result of a service-connected disability, who are missing in action, or who are prisoners of war to receive a tuition and fee waiver at public postsecondary institutions.

Proposed law allows the waiver to be granted to the spouses and children of deceased veterans who, prior to death, were rated ninety to one hundred percent disabled or determined to be unemployable as a result of a service-connected disability.

Present law limits the waiver to veterans who had resided in Louisiana for at least 12 months prior to entrance into the service.

Proposed law also allows the tuition and fee waiver to be granted to spouses or children of certain veterans who had been residents of Louisiana for at least 24 months prior to death.

Present law further allows children of certain living disabled veterans to receive a tuition and fee waiver.

Proposed law makes technical amendments relative to placement of provisions in present law.

Present law (R.S. 17:1686) provides for a tuition waiver for certain children of deceased veterans who died as a result of injuries sustained in the course of duty.

Proposed law prohibits postsecondary education institutions from providing tuition waivers to students under both provisions of law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:288; adds R.S. 17:1686(D))