

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) and (9), (C)(1) and (2)(a), and (F),  
3 38.1(A), 38.2(A)(1) and (C), 402(A) and (B), and 403(11) and (13) and to enact R.S.  
4 29:26.1(G), relative to the military forces of this state; to provide for definitions; to  
5 provide relative to death and disability benefits; to provide relative to prohibition of  
6 academic penalties; to provide for employment and other servicemembers  
7 protections; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:26.1(A)(1), (B)(6) and (9), (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 and R.S. 29:26.1(G) is hereby enacted 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 \* \* \*

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

\* \* \*

(9) "Period of activation" means service during any declared national emergency or contingency operations as defined by 10 U.S.C. 101(a)(13), or during any period of state active duty ordered by the governor of the state of Louisiana pursuant to R.S. 29:7, within any of the following:

(a) That period, subsequent to September 11, 2001, for which the governor of the state of Louisiana orders a guardsman into state active service pursuant to R.S. 29:7(A)(1).

(b) That period, subsequent to September 11, 2001, and ending on September 11, 2021, for which the president of the United States orders a guardsman into active military duty, pursuant to 32 U.S.C. 502(f)(1).

(c) That period, subsequent to September 11, 2001, and ending on September 11, 2021, for which the president of the United States orders a guardsman to federal active duty pursuant to 10 U.S.C. 12301, 12302, or 12303.

\* \* \*

C. Claims for benefits. (1) All claims for death benefits provided for under this Section shall be submitted to the Louisiana National Guard for national guard members and the Louisiana Military Department for Louisiana state guard members.

All claims for disability benefits shall be submitted to the Louisiana Department of Veterans Affairs.

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

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

\* \* \*

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

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

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

G. All claims for state disability benefits for injuries incurred by guardsmen while on Title 10 or Title 32 of the United States Code shall be submitted to the Department of Veterans Affairs no later than June 30, 2026.

\* \* \*

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

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

\* \* \*

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

1                   A.(1) No student member of the uniformed services of the United States  
2           shall have his postsecondary education, including but not limited to colleges and  
3           universities, unnecessarily disrupted because of his military service, in accordance  
4           with the Board of Regents' "Policy on Reservist and National Guard  
5           Mobilization/Activation for Louisiana Public Postsecondary Education Institutions",  
6           (Section II, 8.2). No student member of the uniformed services of the United States  
7           shall have his postsecondary education, including but not limited to postsecondary  
8           proprietary schools, vocational, technical, or trade schools, or nonpublic colleges and  
9           universities licensed to do business within the state of Louisiana as provided by law,  
10          unnecessarily disrupted because of his service in the uniformed services.

\* \* \*

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

\* \* \*

15 §402. Purpose

A. In order to provide for, strengthen, and expedite the national security under emergent conditions which threaten the peace and security of the United States and to enable those citizens of this state who perform service in the uniformed services to more successfully devote their entire energy to the security needs of the nation and state, provision is hereby made to provide reemployment rights and other benefits for persons who perform service in the uniformed services of the United States and the state of Louisiana. It is herein declared to be the policy of the state of Louisiana that its citizens who serve their country and state and who leave their employment, homes, and education shall not be penalized nor economically disadvantaged because of their uniformed service.

B. The provisions of this Part shall be liberally construed for the benefit of those called to serve the state of Louisiana and their country in the armed forces. The purpose of this Part is to prevent veterans and servicemembers from being disadvantaged and to prohibit discrimination against persons because of their

1           uniformed service when they return to civilian life. It is the sense of the legislature  
2           that the state of Louisiana should be a model employer in carrying out the provisions  
3           of this Part.

4                               \*           \*           \*

5           §403. Definitions

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

8                               \*           \*           \*

9                       (11) "Service in the uniformed services" means the performance of duty on  
10          a voluntary or involuntary basis in a uniformed service under competent authority  
11          and includes active duty, active duty for training, initial active duty for training,  
12          inactive duty training, full-time national guard duty, and a period for which a person  
13          is absent from a position of employment for the purpose of an examination to  
14          determine the fitness of the person to perform any such duty. "Service in the  
15          uniformed services" also means service in the armed forces of the United States  
16          pursuant to authorization by the United States Congress or presidential proclamation  
17          pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.). "Service in the  
18          uniformed services" also means state active duty by members of the military forces  
19          of this state, including the national guard and the Louisiana State Guard who are  
20          activated pursuant to a call of the governor of this state or of any other state as  
21          provided for by law.

22                               \*           \*           \*

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

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

- 1                    (b) The members of the military forces of the state of Louisiana, including  
 2                    the Louisiana National Guard and the Louisiana State Guard.  
 3                    (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 Engrossed

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 for death and disability benefits for any declared national emergency or contingency operations where activation was ordered after Sept. 11, 2001.

Proposed law retains present law but limits the death and disability benefits to activation periods between Sept. 11, 2001, and Sept. 11, 2021.

Proposed law provides that all claims for disability benefits for injuries incurred while on Title 10 or Title 32 of U.S. Code duty shall be submitted no later than June 30, 2026.

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) and (9), (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); Adds R.S. 29:26.1(G))

Summary of Amendments Adopted by House

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

1. Provide for death and disability benefits for any declared national emergency or contingency operations where activation was ordered between Sept. 11, 2001, and Sept. 11, 2021.
2. Provide that all claims for disability benefits for injuries incurred while on Title 10 or Title 32 of U.S. Code duty shall be submitted no later than June 30, 2026.