

2025 Regular Session

# ACT No. 242

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

## AN ACT

To amend and reenact R.S. 29:26.1(A)(1), (B)(6), (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), relative to the military  
forces of this state; to provide for definitions; to provide relative to death and  
disability benefits; to provide relative to prohibition of academic penalties; to  
provide for employment and other servicemembers protections; and to provide for  
related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:26.1(A)(1), (B)(6), (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) are hereby amended and reenacted  
to read as follows:

§26.1. National Guard and State Guard death and disability benefits

A. Purpose. The purpose of this Section is:

(1) To establish an effective and efficient mechanism for providing death and  
disability benefits for Louisiana National Guardsmen and Louisiana State Guard  
members called to active duty service by the governor or the president of the United  
States.

\* \* \*

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

\* \* \*

(6) "Guardman 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.

\* \* \*

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.

\* \* \*

§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

A.(1) No student member of the uniformed services of the United States shall have his postsecondary education, including but not limited to colleges and universities, unnecessarily disrupted because of his military service, in accordance with the Board of Regents' ~~"Policy on Reservist and National Guard Mobilization/Activation for Louisiana Public Postsecondary Education Institutions"~~, ~~(Section II, 8.2):~~ policy governing reservist or National Guard mobilization or activation of students at public postsecondary education institutions. No student member of the uniformed services of the United States shall have his postsecondary education, including but not limited to postsecondary proprietary schools, vocational, technical, or trade schools, or nonpublic colleges and universities licensed to do business within the state of Louisiana as provided by law, 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).

\* \* \*

## §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

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

\* \* \*

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

GOVERNOR OF THE STATE OF LOUISIANA

CODING: Words in ~~struck-through~~ type are deletions from existing law; words underscored are additions.