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## DIGEST

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Adley

SB No. 1

Present law (R.S. 22:941(A)(5)) provides for the state to pay a \$250,000 death benefit and a \$100,000 permanent total disability benefit for the death or disability of a Louisiana National Guardsman. Specifies that such benefits shall be provided only during periods of activation ordered by the governor of Louisiana or by the President of the United States in the course of the business of the military forces of Louisiana.

Proposed law provides generally relative to the payment of benefits for the death or disability of a Louisiana National Guardsman called to active service by the governor or the President of the United States. Provides for purpose and definition of terms.

Proposed law provides that the Louisiana National Guard (LANG) adjutant general shall be the authority to whom death benefits claims shall be submitted for determination, and \$250,000 lump sum payment for each qualified death claim shall be made by the Military Department, State of Louisiana.

Proposed law provides that death or disability claims shall be determined by the Department of Veterans Affairs and a disability rating decision will be reached by the proper state entity that adjudicates such claim for guardsmen in accordance with the workers' compensation law of this state and shall be certified by the Louisiana secretary of veterans affairs or his designee.

Proposed law provides for a lump sum payment of \$100,000 for each qualified disability benefit claim to be made by the La. Department of Veterans Affairs after receipt of a request for payment.

Proposed law provides for documentation required for death and disability claims.

Proposed law provides that all members of the LANG shall complete and execute a Death Benefit Beneficiary Designation form which shall contain the name of the beneficiary or beneficiaries of the guardsman's death benefit. Provides that, in the absence of a Death Benefit Beneficiary Designation form, a DD Form 93 shall be used to determine the beneficiary.

Proposed law provides that the Death Benefit Beneficiary form shall be signed by the guardsman in the presence of a LANG witness in the grade of E-7 or above in the LANG who shall also sign the form.

Proposed law provides that no guardsmen shall be eligible to receive benefits if one of the following occurs: (a) a guardsmen is killed or injured and not in the line of duty at the time of death or injury or (b) a guardsmen is killed or injured while in any training status.

Proposed law provides that a qualifying disability shall be determined by the U.S. Dept. of V.A. or by the proper state entity that adjudicates such claims for guardsmen in accordance with state worker's compensation law.

Proposed law removes authority for certain lump sum payments of death and permanent disability benefits for Louisiana National Guardsmen activated by the governor or the President of the United States.

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

(Adds R.S. 29:26.1; Repeals R.S. 22:941(A)(5))



## Summary of Amendments Adopted by Senate

### Senate Floor Amendments to engrossed bill.

1. Technical amendments made by the Legislative Bureau.
2. Provides that disability claims be submitted to LANG instead the Dept. of V.A.
3. Provides that a disability rating decision will be reached by a proper state entity that adjudicates claims for guardsmen instead of the LANG state surgeon.
4. Adds that no guardsman shall be eligible to receive benefits if one of the following occurs: (a) the guardsmen was not in the line of duty at the time of death or injury, or (b) the guardsmen was killed or injured while in any training status.
5. Allows a qualifying disability shall be determined by the U.S. Dept. of V.A. or by a proper state entity that adjudicates such claims for guardsmen instead of the LANG state surgeon.
6. Requires payment to an eligible recipient for disability benefits be made after a certification of eligibility determination is made by the U.S. Dept. of V.A. instead of the LANG state surgeon.
7. Adds applicability to guardsmen activated on or after 9-11-2001.
8. Adds that any death or disability benefit distributed to guardsmen or their beneficiaries prior to the effective date of proposed law shall not be affected by the provisions of proposed law.

## Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the reengrossed bill.

1. Made technical changes only.