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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Lorusso to Reengrossed Senate Bill No. 1 by Senator Adley

1 AMENDMENT NO. 1

2 Delete House Committee Amendments No. 1 through 5 proposed by the House Committee
3 on Judiciary and adopted by the House of Representatives on June 7, 2011.

4 AMENDMENT NO. 2

5 On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 23:1211, to"

6 AMENDMENT NO. 3

7 On page 1, line 4, after the semicolon ";" delete the remainder of the line and delete lines 5
8 and 6 in their entirety and insert the following:

9 "to provide for death benefits; to provide for disability benefits; to provide
10 definitions; to provide for eligibility of benefits; to provide for exceptions;
11 to provide for rulemaking; and"

12 AMENDMENT NO. 4

13 On page 1, between lines 8 and 9, insert the following:

14 "Section 1. R.S. 23:1211 is hereby amended and reenacted to read as
15 follows:
16 §1211. Special compensation benefits for injury or death of member of national
17 guard

18 A. Except as provided by ~~R.S. 22:941~~ R.S. 29:26.1, every member of the
19 national guard who is accidentally injured, or his dependents if he is accidentally
20 killed, while on active duty during a state of emergency declared by the governor and
21 for the duration of such emergency as declared by the governor, shall be
22 compensated by the state in accordance with the workers' compensation law,
23 including but not limited to such medical, surgical, and hospital services and
24 medicines and such disability and death benefits as are authorized by the workers'
25 compensation law.

26 B. Except as provided by ~~R.S. 22:941~~ R.S. 29:26.1, no compensation shall
27 be paid unless the injury or death arose out of and in the course of service while on
28 active duty during a state of emergency declared by the governor and only for the
29 duration thereof and for no other kind of service whatsoever. Before any claim is
30 certified for payment, proof that the applicant is entitled to payment shall be made
31 in accordance with regulations prescribed by the adjutant general. The amount
32 payable as compensation may be commuted to a lump-sum settlement by agreement
33 of the parties. In computing the weekly benefit hereunder, either the weekly wages
34 from the member's principal civilian employment or his weekly military wages,
35 whichever is larger, will be used. Otherwise, the provisions of the workers'
36 compensation law apply.

C. Except as provided in Subsection B of this Section and ~~R.S. 22:941~~ R.S. 29:26.1, the provisions of this Section and of no other law shall govern the compensation benefits payable to members of the national guard."

AMENDMENT NO. 5

On page 1, line 9, change "Section 1." to "Section 2."

AMENDMENT NO. 6

On page 1, delete lines 11 through 17 in their entirety

AMENDMENT NO. 7

On page 2, delete lines 1 through 29 in their entirety

AMENDMENT NO. 7

On page 3, delete lines 1 through 29 in their entirety

AMENDMENT NO. 9

On page 4, delete lines 1 through 29 in their entirety

AMENDMENT NO. 10

On page 5, delete lines 1 through 20 in their entirety and insert the following:

"A. For purposes of this Section, the following definitions shall apply:

(1) "Beneficiary" means the person designated by the guardsman on the DD Form 93 who receives the death benefit from the United States Department of Defense pursuant to 10 U.S.C. 1475, unless otherwise designated by the guardsman in a Death Benefit Beneficiary Designation form pursuant to administrative rule.

(2) "Federal active duty" means the period of time in which the president of the United States orders a guardsman to federal active duty pursuant to 10 U.S.C. 12301, 12302, or 12303 or 32 U.S.C. 502(f)(2)(A).

(3) "Guardsman" means an officer or enlisted member of the Louisiana National Guard.

(4) "Qualifying disability" means a one hundred percent permanent total disability rating, or a permanent and total unemployability disability rating as determined by the United States Department of Veterans Affairs and certified by the secretary of the Louisiana Department of Veterans Affairs, or his designee, in a final adjudication of the initial rating decision, or as determined or certified by the proper state entity that adjudicates such claims for guardsmen in accordance with worker's compensation laws of this state.

(5) "State active duty" means the period of time in which the governor of this state orders a guardsman to active duty pursuant to R.S. 29:7.

B.(1)(a) The beneficiary of a guardsman who is killed or has otherwise died in the line of duty while on state or federal active duty shall be entitled to benefits in the amount of two hundred fifty thousand dollars.

(b) A guardsman who has a qualifying disability due to injuries suffered in the line of duty while on state or federal active duty shall be entitled to benefits in the amount of one hundred thousand dollars.

(2) No guardsman shall be eligible to receive benefits pursuant to the provisions of this Section if any of the following occur:

(a) An investigation determines that a guardsman who is injured, killed, or has otherwise died was not in the line of duty at the time of death or injury.

(b) The guardsman is injured, killed, or has otherwise died while in any training status pursuant to Title 29 of the Louisiana Revised Statutes of 1950 or Title 32 of the United States Code, except training pursuant to 32 U.S.C. 502(f)(2)(A).

C. Claims for benefits pursuant to the provisions of this Section shall be submitted in accordance with procedures established by administrative rule.

D. Eligibility determinations pursuant to the provisions of this Section shall be made as follows:

(1) Eligibility for death benefits shall be determined by the adjutant general or his designee.

(2) Eligibility for disability benefits shall be determined by the secretary of the Louisiana Department of Veterans Affairs.

E. The Military Department shall adopt rules in accordance with the Administrative Procedure Act to implement to the provisions of this Section."

AMENDMENT NO. 11

On page 5, line 21, change "Section 2." to "Section 3."

AMENDMENT NO. 12

On page 5, line 23, change "Section 3." to "Section 4."

AMENDMENT NO. 13

On page 5, line 26, change "Section 4." to "Section 5." and after "repealed" and before the period "." insert "in its entirety"

AMENDMENT NO. 14

On page 5, line 27, change "Section 5." to "Section 6."