

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 would have provided 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. Would have provides for purpose and definition of terms.

Proposed law would have provided 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 would have provided 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 would have provided 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 would have provided for documentation required for death and disability claims.

Proposed law would have provided 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 would have provided 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 would have provided 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 would have provided 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 would have removed 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.

Would have become effective upon signature of the governor or lapse of time for gubernatorial action.

(Proposed to add R.S. 29:26.1; repeal R.S. 22:941(A)(5))

VETO MESSAGE: "Senate Bill No. 1 by Senator Adley broadens coverage of death and disability benefits for Louisiana National Guardsmen.

While this is an important reform, this legislation is not necessary since it is a duplicate of House Bill No. 143 by Representative Lorusso, which has already been signed into law. For this reason, I have vetoed Senate Bill No. 1 and hereby return it to the Senate."