

Regular Session, 2012

SENATE BILL NO. 298

BY SENATORS ADLEY AND PERRY

VETERANS AFFAIRS. Provides for eligibility requirements for Louisiana National Guard troops applying for disability benefits which occurred during an active duty deployment ordered by the President of the United States or the Governor of Louisiana. (8/1/12)

1 AN ACT

2 To amend and reenact R.S. 29:26.1(E)(2), relative to the Louisiana National Guard; to
3 provide for disability benefits; to provide for eligibility of disability benefits; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:26.1(E)(2) is hereby amended and reenacted to read as follows:

7 §26.1. National Guard death and disability benefits

8 * * *

9 E. Determination of eligibility for payment of benefits.

10 * * *

11 (2)(a) A qualifying disability shall be determined by the United States
12 Department of Veterans Affairs or by the proper state entity that adjudicates such
13 claims for guardsmen in accordance with the workers' compensation law of this state
14 and certified by the secretary of the Louisiana Department of Veterans Affairs or his
15 designee.

16 **(b) If a guardsman's initial application for disability benefits to the**
17 **United States Department of Veterans Affairs is rejected but subsequently**

1 **granted after further consideration, that guardsman shall be eligible for the**
2 **state disability benefits pursuant to the provisions of this Section.**

3 * * *

4 Section 2. The provisions of this Act shall be given retroactive application to
5 September 11, 2001.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Present law provides for the state to pay a \$250,000 death benefit and a \$100,000 disability benefit for Louisiana National Guardsmen killed or permanently disabled during periods of activation ordered by the Governor of Louisiana or the President of the United States in the course of the business of the military force of Louisiana.

Present law provides that eligibility for death benefits will be made by the Louisiana Army National Guard and eligibility for total, permanent disability be determined by the United States Department of Veterans Affairs and certified by the Louisiana Department of Veterans Affairs.

Proposed law provides that if a guardsman's initial application for disability benefits to the United States Department of Veterans Affairs is rejected but subsequently granted after further consideration, that guardsman will be eligible for the state disability benefits provided for in present law.

Proposed law provides for retroactive application of proposed law to September 11, 2001.

Effective August 1, 2012.

(Amends R.S. 29:26.1(E)(2))