

2015 Regular Session

HOUSE BILL NO. 425

BY REPRESENTATIVE HAZEL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MILITARY AFFAIRS: Provides relative to death and disability benefits for La. National Guardsmen

1 AN ACT

2 To amend and reenact R.S. 29:26.1(B)(10), relative to National Guard death and disability
3 benefits; to restrict certain federal rating decisions from the definition of "qualifying
4 disability" for National Guardsmen; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:26.1(B)(10) is hereby amended and reenacted to read as follows:

7 §26.1. National Guard death and disability benefits

8 * * *

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

11 * * *

12 (10) "Qualifying disability" means a one hundred percent permanent total
13 disability rating, or a permanent and total unemployability disability rating as
14 determined by the United States Department of Veterans Affairs and certified by the
15 Louisiana secretary of veterans affairs in a final adjudication of the initial rating
16 decision or as determined or certified by the proper state entity that adjudicates such
17 claims for guardsmen in accordance with the workers' compensation law of this state.
18 A qualifying disability shall be certified by the Louisiana secretary of veterans
19 affairs or his designee. As provided for in this Paragraph, the initial rating decision
20 shall not apply to a United States Department of Veterans Affairs rating decision
21 which predates service in the Louisiana National Guard.

22 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 425 Engrossed

2015 Regular Session

Hazel

Abstract: Provides relative to the initial rating decision for a qualifying disability as determined by the U.S. Dept. of Veterans Affairs for National Guardsmen.

Present law defines "qualifying disability" to mean 100% permanent total disability rating or permanent and total unemployability disability rating as determined by the U.S. Dept. of Veterans Affairs and certified by the secretary for the La. Dept. of Veterans Affairs or proper state entity in a final adjudication of the initial rating decision.

Proposed law retains present law and adds a prohibition that the initial rating decision cannot apply to a federal rating decision predating service in the La. National Guard.

(Amends R.S. 29:26.1(B)(10))