

# ACT No. 260

SENATE BILL NO. 158

BY SENATORS MARIONNEAUX, ADLEY, AMEDEE, BAJOIE, BARHAM, BOASSO, BROOME, CAIN, CASSIDY, CHEEK, CRAVINS, DUPLESSIS, DUPRE, ELLINGTON, FIELDS, FONTENOT, B. GAUTREAU, N. GAUTREAU, HEITMEIER, HOLLIS, JACKSON, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, QUINN, ROMERO, SCHEDLER, SHEPHERD, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES ALARIO, ANDERS, ARNOLD, BALDONE, BARROW, BAYLOR, BRUCE, K. CARTER, CAZAYOUX, CHANDLER, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GALLOT, GEYMANN, GRAY, GREENE, ELBERT GUILLORY, ELCIE GUILLORY, HARRIS, HEATON, HILL, HUTTER, JOHNS, KATZ, KENNARD, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, LORUSSO, MARCHAND, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MORRIS, PIERRE, PINAC, PITRE, M. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, WADDELL, WALKER AND WINSTON

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

AN ACT

To amend and reenact R.S. 22:175(A)(4) and R.S. 23:1211 and to enact R.S. 22:175(A)(5), relative to life insurance allowances for officers and other members of the military forces of this state while in the service of the state of Louisiana in the course of the business of the military forces of this state; to provide for policy limits in cases of death and injury; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:175(A)(4) is hereby amended and reenacted and R.S. 22:175(A)(5) is hereby enacted to read as follows:

§175. Group life insurance defined; eligibility; payment of premiums; limits and coverage

A. A policy of group life insurance may be issued to any of the following groups or combination thereof, or to the trustees thereof, who shall be deemed the policyholder:

\* \* \*

1 (4) Life insurance covering the members of one or more companies,  
 2 batteries, troops, or other units of the national guard of any state **other than**  
 3 **Louisiana**, written under a policy issued to the commanding general of the national  
 4 guard who shall be deemed to be the employer for the purposes of this Section, the  
 5 premium on which is to be paid by the members of such units for the benefit of  
 6 persons other than the employer.

7 **(5) Notwithstanding any other provisions of this Part to the contrary,**  
 8 **during periods of activation ordered by the governor or by the President of the**  
 9 **United States, benefits in a lump sum amount of two hundred fifty thousand**  
 10 **dollars for death and one hundred thousand dollars for permanent total**  
 11 **disability shall be paid by the state to such guardsmen or their beneficiaries.**  
 12 **Such benefits for all officers or other members of the military forces of this state**  
 13 **shall be provided by the state only during periods of activation ordered by the**  
 14 **governor of Louisiana or by the President of the United States in the course of**  
 15 **the business of the military forces of this state as required by this Part.**

16 \* \* \*

17 Section 2. R.S. 23:1211 is hereby amended and reenacted to read as follows:

18 §1211. Special compensation benefits for injury or death of member of national  
 19 guard

20 A. **Except as provided by R.S. 22:175,** Every member of the national  
 21 guard who is accidentally injured, or his dependents if he is accidentally killed, while  
 22 on active duty during a state of emergency declared by the governor and for the  
 23 duration of such emergency as declared by the governor, shall be compensated by  
 24 the state in accordance with the worker's compensation law, including but not limited  
 25 to such medical, surgical and hospital services and medicines and such disability and  
 26 death benefits as are authorized by said worker's compensation law.

27 ~~B. No compensation shall be paid by the state for injury or death occurring~~  
 28 ~~while in the service of the United States of America or while going to or returning~~  
 29 ~~from this service.~~

30 **C.B. Except as provided by R.S. 22:175,** No compensation shall be paid

1 unless the injury or death arose out of and in the course of service while on active  
 2 duty during a state of emergency declared by the governor and only for the duration  
 3 thereof and for no other kind of service whatsoever. Before any claim is certified for  
 4 payment, proof that the applicant is entitled to payment shall be made in accordance  
 5 with regulations prescribed by the adjutant general. The amount payable as  
 6 compensation may be commuted to a lump sum settlement by agreement of the  
 7 parties. In computing the weekly benefit hereunder, either the weekly wages from  
 8 the member's principal civilian employment or his weekly military wages, whichever  
 9 is larger, will be used. Otherwise, the provisions of the worker's compensation law  
 10 apply.

11 ~~D.C.~~ Except as provided in Subsection ~~€B~~ hereof **and R.S. 22:175**, the  
 12 provisions of this Section and of no other law shall govern the compensation benefits  
 13 payable to members of the national guard.

14 Section 3. This Act shall become effective upon signature by the governor or, if not  
 15 signed by the governor, upon expiration of the time for bill to become law without signature  
 16 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If  
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 18 effective on the day following such approval.

\_\_\_\_\_  
 PRESIDENT OF THE SENATE

\_\_\_\_\_  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_