AN ACT

To amend and reenact R.S. 44:4.1(B)(31) and R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1)
and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4), and to enact R.S.
46:123(M), and to repeal R.S. 46:121(1)(c) and (6), relative to the Military Family
Assistance Fund; to provide an exception relative to public records for Military
Family Assistance Fund applications; to provide for definitions; to clarify the
requirements for need-based Military Family Assistance Fund applications; to
provide for remote operations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4.1(B)(31) is hereby amended and reenacted to read as follows:
§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions,
and limitations to the laws pertaining to public records throughout the revised
statutes and codes of this state. Therefore, the following exceptions, exemptions, and
limitations are hereby continued in effect by incorporation into this Chapter by
citation:
(31) R.S. 46:56, 123(K), 236.1.1 through 238, 284.1, 439.1, 446.1, 1073, 1355, 1806, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356, 2416, 2603, 2625

Section 2. R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4) are hereby amended and reenacted and R.S. 46:123(M) is hereby enacted to read as follows:

§121. Definitions

(1) "Activated military personnel" means a person domiciled in Louisiana for civilian purposes who names Louisiana as Home of Record (HOR) for military purposes, and who is any of the following:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he was ordered to active duty, other than active duty training, for which he received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and discharge under the specific authority of 10 U.S.C. 1171 or 1173 or a determination of having a compensable service-connected disability.

(c) Received a discharge with less than ninety days of service for a service-connected disability.

(4) "Honorably discharged active-duty military personnel" means a person domiciled in Louisiana who is a veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who was on full-time active duty in the military service of the United States and received an honorable discharge and has met any of the following conditions:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he was ordered to active duty, other than active duty training, for which he received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and discharge under the specific authority of 10 U.S.C. 1171 or 1173 or a determination of having a compensable service-connected disability.

(c) Received a discharge with less than ninety days of service for a service-connected disability.

§122. Louisiana Military Family Assistance Fund

* * *
B. The money in the fund shall be used solely for the following purposes:

(1) To pay need-based claims of family members of activated military personnel or honorably discharged active-duty military personnel as authorized by the Louisiana Military Family Assistance Board in the manner provided for in R.S. 46:123.

* * *

§123. Louisiana Military Family Assistance Board

* * *

B.(1) The board shall establish rules for the implementation of this Part and proper adjudication of need-based claims submitted by families of on behalf of activated military personnel or honorably discharged active-duty military personnel. The rules shall provide the procedures for determination and consideration of claims and appeals, application forms and claims documentation, requirements, limitations, definitions, and such other matters as the board deems necessary and appropriate to carry out the provisions of this Part and ensure the availability of funds and appropriate disbursement to claimants.

(2) Such rules shall establish a maximum dollar amount that may be awarded on behalf of an activated military person or an honorably discharged active-duty military person for a need-based claim per twelve-month period. Such maximum shall apply per active duty order.

* * *

D.(1) The board shall meet as necessary to review claims adjudicated by the third party administrator and make the following determinations:

(a) That all awards are on behalf of activated military personnel or honorably discharged active-duty military personnel as defined in this Part.

(b) That all awards are made pursuant to claims by family members of activated military personnel or honorably discharged active-duty military personnel as defined in this Part or by the activated military person himself.
(c) That all awards are need-based. **Claims** a claim may be considered need-based if all of the following apply:

(i) Funds are requested for necessary expenses incurred, or to be incurred.

(ii) The necessary expenses created, or will create, an undue hardship on the **activated military personnel**, a family member of the **activated military personnel**, or the **honorably discharged military personnel**.

(iii) The undue hardship can be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person.

(iv) The **activated military personnel**, a family member of the **activated military personnel**, or the **honorably discharged military personnel** does not have reasonable access to any other funding source.

(v) Payment of the claim by the fund does not supplant other available public or private funds.

(vi) The applicant or the family member of the **activated military person**, a family member of the **activated military person**, or a honorably discharged **military person** has made reasonable attempts to secure alternative funding through another program.

*          *          *

E. A claim of an activated military person or **person’s family member or a claim of an** honorably discharged active-duty military person **or their family member** may be denied if the activated military person or honorably discharged active-duty military person is not in good standing with the appropriate military unit at the time the application is submitted or the claim payment is made.

*          *          *

G.(1) In extenuating circumstances as defined by rule by the board, an activated military person or honorably discharged active-duty military person, or his family, may be awarded an additional one-time **lump-sum** award for a service related death or injury with a greater than fifty percent residual disability. The board shall provide by rule for a uniform **lump-sum** amount for such
award, which shall not exceed two thousand five hundred dollars.

(2) Family members of activated military personnel or honorably discharged
active-duty military personnel who are listed as missing in action or prisoner of war
by the United States Department of Defense shall also be eligible for this lump-sum
award.

*          *          *

K. *          *          *

(2) The identity of applicants and their related activated military
personnel or honorably discharged active-duty military personnel shall be
confidential unless waived. The filing of an appeal before the board shall be
considered a waiver.

(3) Although confidential, records relating to applications and the identity
of applicants and their related activated military personnel or honorably
discharged active-duty military personnel shall be available to necessary parties such
as the legislative auditor, legislative oversight committees for rules and annual
reports, and such other parties as necessary for prudent administration of the program
and verification of elements of application.

(4) Once a claim is approved, the identity of the claimant and the related
activated military personnel or honorably discharged active-duty military
personnel and the amount approved shall be public record.

*          *          *

M. Notwithstanding any provision of law to the contrary, the board may
conduct, and its members may attend and participate in a meeting occurring via
electronic means.

(1) For each meeting conducted pursuant to this Subsection, the
following requirements shall be met:

(a) No later than twenty-four hours prior to the meeting, the board shall
provide the notice and agenda for the meeting, which shall be posted on the
board’s website and emailed to any member of the public or the news media
who requests notice of the board meeting.

(b) The notice and agenda shall provide detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

(c) The board shall provide a mechanism to receive public comment electronically both prior to and during the meeting. The board shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in the record of the meeting.

(d) The chairman shall ensure that each person participating in the meeting is properly identified.

(e) The chairman shall ensure that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

(2) For the purposes of this Subsection, "electronic means" shall mean a meeting occurring via teleconference or video conference.

(a) "Teleconference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and communicate with each other.

(b) "Video conference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and communicate with each other.

Section 3. R.S. 46:121(1)(c) and (6) are hereby repealed.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Matt Deville.

DIGEST

Present law provides generally that all books, records, writings, accounts, letters, maps, drawings, photographs, cards, tapes, recording, memoranda, and papers and copies or any other documentary materials, regardless of physical form or characteristics, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performed by or under the authority of the state constitution or state law or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the state constitution or state law are "public records", except as otherwise provided by the Public Records Law or the state constitution.

Present law provides several exceptions, exemptions, and limitations to the laws pertaining to public records.

Proposed law retains present law and adds to the list exceptions the provision of present law regarding information identifying applicants to the Louisiana Military Family Assistance Fund.

Present law provides that statistical reports and reports on the overall performance of the program and revenue and expenditures related to the Louisiana Military Family Assistance Fund shall be public record. However, provides that the identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be confidential unless waived and provides that the filing of an appeal before the Louisiana Military Family Assistance board shall be considered a waiver. Also provides that although confidential, records relating to applications and the identity of applicants and their related activated military personnel or honorably discharged active-duty military personnel shall be available to necessary parties such as the legislative auditor, legislative oversight committees for rules and annual reports, and such other parties as necessary for prudent administration of the program and verification of elements of an application. Provides that once a claim is approved, the identity of the claimant and their related activated military personnel or honorably discharged active-duty military personnel and the amount approved shall be public record.

Present law defines "honorably discharged active-duty military personnel" to mean a person domiciled in Louisiana who was on full-time active duty in the military service of the United States and received an honorable discharge.

Proposed law changes the definition of "honorably discharged active-duty military personnel" in present law to "honorably discharged military person" and defines the term to mean a person domiciled in Louisiana who is a veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who was on full-time active duty in the military service of the United States, received an honorable discharge, and meets enumerated criteria in proposed law relative to their service.

Present law provides that payment of needs-based claims to family members of activated military personnel or honorably discharged active-duty military personnel shall be one of the sole uses of money in the Louisiana Military Assistance Fund.

Proposed law retains present law but replaces the present law term "honorably discharged active-duty military personnel" with proposed law term "honorably discharged military personnel".

Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.
Present law provides that awards from the Louisiana Military Family Assistance Fund be need-based and provides the criteria for determining if an award is need-based as:

1. Funds are requested for necessary expenses incurred or to be incurred.
2. The necessary expenses created, or will create, an undue hardship on the family member.
3. The undue hardship can be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person.
4. The family member does not have reasonable access to any other funding source.
5. Payment of the claim by the fund does not supplant other available public or private funds.
6. The applicant or the family member has made reasonable attempts to secure alternative funding through another program.

Proposed law retains present law but provides that funds additionally be made available to activated military personnel, a family member of activated military personnel, and honorably discharged military personnel, provided they meet criteria enumerated in present law.

Proposed law removes provision specifying that the undue hardship can be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person.

Proposed law authorizes the Louisiana Military Assistance Fund Board to meet via electronic means and provides requirements for providing notice, posting an agenda, receiving public comment, and ensuring identification of participants and accessibility of matters discussed.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 44:4.1(B)(31) and R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4); adds R.S. 46:123(M); repeals R.S. 46:121(1)(c) and (6))

Summary of Amendments Adopted by Senate

1. Make technical corrections.
2. Provide for definitions of "activated military person" and "honorably discharged military person".
3. Expand eligibility criteria for need-based claims.
4. Provide for the Military Family Assistance Board to meet via electronic means.