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

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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, 286.1, 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 person" 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:

* * *

(4) "Honorably discharged active-duty military person" 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.

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§122. Louisiana Military Family Assistance Fund

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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.

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§123. Louisiana Military Family Assistance Board

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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.

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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 a claim 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 or honorably discharged active-duty 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 person, a family member of the activated military personnel, or the honorably discharged military personnel does not have reasonable access to any other funding source.
(iv) Payment of the claim by the fund does not supplant other available public or private funds.

(v) The applicant or the family member activated military person, a family member of the activated military person, or the 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 personnel person or their family member may be denied if the activated military person or honorably discharged active-duty military personnel 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...
identities 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 their related
activated military person or honorably discharged active-duty military
person and the amount approved shall be public record.

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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.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______________