

2016 Regular Session

HOUSE BILL NO. 1002

BY REPRESENTATIVE MONTOUCET

1 AN ACT

2 To amend and reenact R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1)(a), (b), and
3 (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4) and to enact R.S. 46:121(5),
4 relative to the Louisiana Military Family Assistance Fund; to provide for eligibility
5 of benefits for certain honorably discharged military personnel; to provide for
6 definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1)(a), (b), and
9 (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4) are hereby amended and reenacted and
10 R.S. 46:121(5) is hereby enacted to read as follows:

11 §121. Definitions

12 For purposes of this Part, the following terms shall be defined as follows:

13 * * *

14 (4) "Honorably discharged active-duty military personnel" means a person
15 domiciled in Louisiana who was on full-time active duty in the military service of
16 the United States and received an honorable discharge.

17 (5) "Veteran" means any servicemember of the United States Armed Forces
18 who has met any of the following conditions:

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

1 (b) Completed at least ninety days of active duty and has been discharged
2 under the specific authority of 10 U.S.C. 1171 or 10 U.S.C. 1173, or has been
3 determined to have a compensable service-connected disability.

4 (c) Has received a discharge with less than ninety days of service for a
5 service-connected disability.

6 §122. Louisiana Military Family Assistance Fund

7 * * *

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

9 (1) To pay need-based claims of family members of activated military
10 personnel or honorably discharged active-duty military personnel as authorized by
11 the Louisiana Military Family Assistance Board in the manner provided for in R.S.
12 46:123.

13 * * *

14 §123. Louisiana Military Family Assistance Board

15 * * *

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

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

28 * * *

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

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

3 (b) That all awards are made pursuant to a claim by family members of
4 activated military personnel or honorably discharged active-duty military personnel
5 as defined in this Part or by the activated military person or honorably discharged
6 active-duty military person himself.

7 (c) That all awards are need-based. Claims may be considered need-based
8 if all of the following apply:

9 * * *

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

12 * * *

13 E. A claim of an activated military person or honorably discharged active-
14 duty military personnel or their family member may be denied if the activated
15 military person or honorably discharged active-duty military person is not in good
16 standing with the appropriate military unit at the time the application is submitted or
17 the claim payment is made.

18 * * *

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

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

28 * * *

29 K.

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