

**ACT No. 402**

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.

30 \* \* \*

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

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

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

13   \*       \*       \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

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

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