

2022 Regular Session

SENATE BILL NO. 135

BY SENATOR BOUDREAUX

MILITARY AFFAIRS. Provides relative to Military Family Assistance Fund applications.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(31) and R.S. 46:123(D)(1)(c), relative to the Military
3 Family Assistance Fund; to provide an exception relative to public records for
4 Military Family Assistance Fund applications; to clarify the requirements for
5 need-based Military Family Assistance Fund applications; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §4.1. Exceptions

10 * * *

11 B. The legislature further recognizes that there exist exceptions, exemptions,
12 and limitations to the laws pertaining to public records throughout the revised
13 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
14 limitations are hereby continued in effect by incorporation into this Chapter by
15 citation:

16 * * *

17 (31) R.S. 46:56, **123(K)**, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073,

1 1355, 1806, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356, 2416, 2603, 2625

2 * * *

3 Section 2. R.S. 46:123(D)(1)(c) is hereby amended and reenacted to read as follows:

4 §123. Louisiana Military Family Assistance Board

5 * * *

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

8 * * *

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

11 * * *

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

14 (iv) The **applicant or the** family member does not have reasonable access
15 to any other funding source.

16 ~~(v)~~**(iv)** Payment of the claim by the fund does not supplant other available
17 public or private funds.

18 ~~(vi)~~**(v)** The applicant or the family member has made reasonable attempts to
19 secure alternative funding through another program.

20 * * *

21 Section 3. This Act shall become effective upon signature by the governor or, if not
22 signed by the governor, upon expiration of the time for bills to become law without signature
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
25 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 135 Original

2022 Regular Session

Boudreaux

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 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 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 makes a technical change to add the applicant in addition to the family member when considering access to other funding sources.

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

(Amends R.S. 44:4.1(B)(31) and R.S. 46:123(D)(1)(c))