

---

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))