

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Senate and Governmental Affairs to Original Senate Bill No. 135 by Senator Boudreaux

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 46:123(D)(1)(c)" to: "R.S. 46:121(1) and (4), 122(B)(1),
3 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4), to enact R.S.
4 46:123(M), and to repeal R.S. 46:121(1)(c) and (6)"

5 AMENDMENT NO. 2

6 On page 1, line 4, after "applications;" and before "to" insert "to provide for definitions;"

7 AMENDMENT NO. 3

8 On page 1, line 5, after "applications;" and before "and" insert "to provide for remote
9 operations;"

10 AMENDMENT NO. 4

11 On page 2, delete lines 3 through 20 and insert:

12 " Section 2. R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1)
13 and (2), and (K)(2) through (4) are hereby amended and reenacted and R.S.
14 46:123(M) is hereby enacted to read as follows:"

15 §121. Definitions

16 (1) "Activated military ~~personnel~~ **person**" means a person domiciled in Louisiana
17 for civilian purposes who names Louisiana as Home of Record (HOR) for military
18 purposes, and who is any of the following:

19 * * *

20 (4) "Honorably discharged ~~active-duty~~ military ~~personnel~~ **person**" means a person
21 domiciled in Louisiana who **is a veteran of the United States Army, Navy, Air**
22 **Force, Marine Corps, or Coast Guard who** was on full-time active duty in the
23 military service of the United States and received an honorable discharge-**and has**
24 **met any of the following conditions:**

25 **(a) Completed either twenty-four months of continuous active duty or the full**
26 **period of not less than ninety days for which he was ordered to active duty,**
27 **other than active duty training, for which he received either an honorable**
28 **discharge or a general discharge under honorable conditions.**

29 **(b) Completed at least ninety days of active duty and discharge under the**
30 **specific authority of 10 U.S.C. 1171 or 1173 or a determination of having a**
31 **compensable service-connected disability.**

32 **(c) Received a discharge with less than ninety days of service for a service-**
33 **connected disability**

34 * * *

35 §122. Louisiana Military Family Assistance Fund

36 * * *

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

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

41 * * *

42 §123. Louisiana Military Family Assistance Board

43 * * *

44 B.(1) The board shall establish rules for the implementation of this Part and proper
45 adjudication of need-based claims submitted ~~by families of~~ **on behalf of** activated

1 military personnel or honorably discharged ~~active-duty~~ military personnel. The rules
2 shall provide the procedures for determination and consideration of claims and
3 appeals, application forms and claims documentation, requirements, limitations,
4 definitions, and such other matters as the board deems necessary and appropriate to
5 carry out the provisions of this Part and ensure the availability of funds and
6 appropriate disbursement to claimants.

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

11 * * *

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

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

16 (b) That all awards are made pursuant to ~~a claim~~ **claims** by family members
17 of activated military personnel or honorably discharged ~~active-duty~~ military
18 personnel as defined in this Part or by ~~the an~~ **an** activated military person or honorably
19 discharged ~~active-duty~~ military person himself.

20 (c) That all awards are need-based. ~~Claims~~ **A claim** may be considered need-
21 based if all of the following apply:

22 (i) Funds are requested for necessary expenses incurred, or to be incurred.

23 (ii) The necessary expenses created, or will create, an undue hardship on the
24 **activated military personnel, a family member of the activated military**
25 **personnel, or the honorably discharged military personnel.**

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

28 (iv) **(iii) The activated military person, a family member of the activated**
29 **military personnel, or the honorably discharged military personnel** does not
30 have reasonable access to any other funding source.

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

33 (vi) **(v) The applicant or the family member activated military person, a**
34 **family member of the activated military person, or the honorably discharged**
35 **military person** has made reasonable attempts to secure alternative funding through
36 another program.

37 * * *

38 E. A claim of an activated military person or **person's family member or a**
39 **claim of an** honorably discharged ~~active-duty~~ military ~~personnel~~ **person** or their
40 ~~family member~~ may be denied if the activated military person or honorably
41 discharged ~~active-duty~~ military person is not in good standing with the appropriate
42 military unit at the time the application is submitted or the claim payment is made.

43 * * *

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

50 (2) Family members of activated military personnel or honorably discharged
51 ~~active-duty~~ military personnel who are listed as missing in action or prisoner of war
52 by the United States Department of Defense shall also be eligible for this ~~lump sum~~
53 **lump-sum** award.

54 * * *

55 K.

56 * * *

57 (2) The **identity identities** of applicants and their related activated military
58 personnel or honorably discharged ~~active-duty~~ military personnel shall be
59 confidential unless waived. The filing of an appeal before the board shall be
60 considered a waiver.

61 (3) Although confidential, records relating to applications and the **identity**
identities of applicants and their related activated military personnel or honorably

1 discharged ~~active-duty~~ military personnel shall be available to necessary parties such
2 as the legislative auditor, legislative oversight committees for rules and annual
3 reports, and such other parties as necessary for prudent administration of the program
4 and verification of elements of application.

5 (4) Once a claim is approved, the identity of the claimant and ~~their~~ **the** related
6 activated military ~~personnel~~ **person** or honorably discharged ~~active-duty~~ military
7 ~~personnel~~ **person** and the amount approved shall be public record.

8 * * *

9 **M. Notwithstanding any provision of law to the contrary, the board may**
10 **conduct, and its members may attend and participate in a meeting occurring via**
11 **electronic means.**

12 **(1) For each meeting conducted pursuant to this Subsection, the following**
13 **requirements shall be met:**

14 **(a) No later than twenty-four hours prior to the meeting, the board shall**
15 **provide the notice and agenda for the meeting, which shall be posted on the**
16 **board's website and emailed to any member of the public or the news media**
17 **who requests notice of the board meeting.**

18 **(b) The notice and agenda shall provide detailed information regarding how**
19 **members of the public may participate in the meeting and submit comments**
20 **regarding matters on the agenda.**

21 **(c) The board shall provide a mechanism to receive public comment**
22 **electronically both prior to and during the meeting. The board shall properly**
23 **identify and acknowledge all public comments during the meeting and shall**
24 **maintain those comments in the record of the meeting.**

25 **(d) The chairman shall ensure that each person participating in the meeting is**
26 **properly identified.**

27 **(e) The chairman shall ensure that all parts of the meeting, excluding any**
28 **matter discussed in executive session, are clear and audible to all participants**
29 **in the meeting including the public.**

30 **(2) For the purposes of this Subsection, "electronic means" shall mean a**
31 **meeting occurring via teleconference or video conference.**

32 **(a) "Teleconference" shall mean a method of communication which enables**
33 **persons in different locations to participate in a meeting and to hear and**
34 **communicate with each other.**

35 **(b) "Video conference" shall mean a method of communication which enables**
36 **persons in different locations to participate in a meeting and to see, hear, and**
37 **communicate with each other."**

38 AMENDMENT NO. 5

39 On page 2, between lines 20 and 21 insert:

40 "Section 3. R.S. 46:121(1)(c) and (6) are hereby repealed."

41 AMENDMENT NO. 6

42 On page 2, line 21, change "Section 3" to "Section 4"