

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), and 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. 46:123(M) is
14 hereby enacted to read as follows:

15 §121. Definitions

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

19 * * *

20 (4) "Honorably discharged ~~active-duty~~ military ~~personnel~~ **person**" means a
21 person domiciled in Louisiana who **is a veteran of the United States Army, Navy,**
22 **Air 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**
26 **the full period of not less than ninety days for which he was ordered to active**
27 **duty, 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**
33 **service-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
39 personnel or honorably discharged ~~active-duty~~ military personnel as authorized by
40 the Louisiana Military Family Assistance Board in the manner provided for in R.S.
41 46:123.

42 * * *

43 §123. Louisiana Military Family Assistance Board

44 * * *

1 B.(1) The board shall establish rules for the implementation of this Part and
2 proper adjudication of need-based claims submitted ~~by families of~~ **on behalf of**
3 activated military personnel or honorably discharged ~~active-duty~~ military personnel.
4 The rules shall provide the procedures for determination and consideration of claims
5 and appeals, application forms and claims documentation, requirements, limitations,
6 definitions, and such other matters as the board deems necessary and appropriate to
7 carry out the provisions of this Part and ensure the availability of funds and
8 appropriate disbursement to claimants.

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

13 * * *

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

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

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

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

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

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

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

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

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

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

39 * * *

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

45 * * *

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

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

56 * * *

57 K. * * *

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

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

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

10 * * *

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

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

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

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

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

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

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

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

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

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

40 AMENDMENT NO. 5

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

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

43 AMENDMENT NO. 6

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