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The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Matt Deville.

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DIGEST

SB 135 Engrossed

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 defines "honorably discharged active-duty military personnel" to mean a person domiciled in Louisiana who was on full-time active duty in the military service of the United States and received an honorable discharge.

Proposed law changes the definition of "honorably discharged active-duty military personnel" in present law to "honorably discharged military person" and defines the term to mean a person domiciled in Louisiana who is a veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who was on full-time active duty in the military service of the United States, received an honorable discharge, and meets enumerated criteria in proposed law relative to their service.

Present law provides that payment of needs-based claims to family members of activated military personnel or honorably discharged active-duty military personnel shall be one of the sole uses of money in the Louisiana Military Assistance Fund.

Proposed law retains present law but replaces the present law term "honorably discharged active-duty military personnel" with proposed law term "honorably discharged military personnel".

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 provides that funds additionally be made available to activated military personnel, a family member of activated military personnel, and honorably discharged military personnel, provided they meet criteria enumerated in present law.

Proposed law 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 authorizes the Louisiana Military Assistance Fund Board to meet via electronic means and provides requirements for providing notice, posting an agenda, receiving public comment, and ensuring identification of participants and accessibility of matters discussed.

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

(Amends R.S. 44:4.1(B)(31) and R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4); adds R.S. 46:123(M); repeals R.S. 46:121(1)(c) and (6))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Make technical corrections.
2. Provide for definitions of "activated military person" and "honorably discharged military person".
3. Expand eligibility criteria for need-based claims.
4. Provide for the Military Family Assistance Board to meet via electronic means.