

SENATE BILL NO. 135

BY SENATOR BOUDREAUX

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AN ACT

To amend and reenact 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), and to enact R.S. 46:123(M), and to repeal R.S. 46:121(1)(c) and (6), relative to the Military Family Assistance Fund; to provide an exception relative to public records for Military Family Assistance Fund applications; to provide for definitions; to clarify the requirements for need-based Military Family Assistance Fund applications; to provide for remote operations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§4.1. Exceptions

\* \* \*

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

\* \* \*

(31) R.S. 46:56, **123(K)**, 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355, 1806, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356, 2416, 2603, 2625

\* \* \*

Section 2. 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) are hereby amended and reenacted and R.S. 46:123(M) is hereby enacted to read as follows:

§121. Definitions

(1) "Activated military ~~personnel~~ **person**" means a person domiciled in

1 Louisiana for civilian purposes who names Louisiana as Home of Record (HOR) for  
2 military purposes, and who is any of the following:

3 \* \* \*

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

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

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

16 (c) Received a discharge with less than ninety days of service for a  
17 service-connected disability.

18 \* \* \*

19 §122. Louisiana Military Family Assistance Fund

20 \* \* \*

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

22 (1) To pay need-based claims of family members of activated military  
23 personnel or honorably discharged ~~active-duty~~ military personnel as authorized by  
24 the Louisiana Military Family Assistance Board in the manner provided for in R.S.  
25 46:123.

26 \* \* \*

27 §123. Louisiana Military Family Assistance Board

28 \* \* \*

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

1 activated military personnel or honorably discharged ~~active-duty~~ military personnel.

2 The rules shall provide the procedures for determination and consideration of claims  
3 and 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  
8 on 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  
13 third 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~~ 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.



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

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

9 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

10                  Section 4. This Act shall become effective upon signature by the governor or, if not  
11                  signed by the governor, upon expiration of the time for bills to become law without signature  
12                  by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
13                  vetoed by the governor and subsequently approved by the legislature, this Act shall become  
14                  effective on the day following such approval.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_