

2016 Regular Session

HOUSE BILL NO. 1002

BY REPRESENTATIVE MONTOUCET

MILITARY AFFAIRS: Authorizes certain honorably discharged active-duty military personnel to receive benefits through the La. Military Family Assistance Fund

1 AN ACT

2 To amend and reenact R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1)(a), (b), and
3 (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4) and to enact R.S. 46:121(5),
4 relative to the Louisiana Military Family Assistance Fund; to provide for eligibility
5 of benefits for certain honorably discharged military personnel; to provide for
6 definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1)(a), (b), and
9 (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4) are hereby amended and reenacted and
10 R.S. 46:121(5) is hereby enacted to read as follows:

11 §121. Definitions

12 For purposes of this Part, the following terms shall be defined as follows:

13 * * *

14 (4) "Honorably discharged active-duty military personnel" means a person
15 domiciled in Louisiana who was on full-time active duty in the military service of
16 the United States and received an honorable discharge.

17 (5) "Veteran" means any servicemember of the United States Armed Forces
18 who has met any of the following conditions:

1 (a) Completed either twenty-four months of continuous active duty or the
2 full period of not less than ninety days for which he or she was ordered to active
3 duty, other than active duty for training, and received either an honorable discharge
4 or a general discharge under honorable conditions.

5 (b) Completed at least ninety days of active duty and has been discharged
6 under the specific authority of 10 U.S.C. 1171 or 10 U.S.C. 1173, or has been
7 determined to have a compensable service-connected disability.

8 (c) Has received a discharge with less than ninety days of service for a
9 service-connected disability.

10 §122. Louisiana Military Family Assistance Fund

11 * * *

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

13 (1) To pay need-based claims of family members of activated military
14 personnel or honorably discharged active-duty military personnel as authorized by
15 the Louisiana Military Family Assistance Board in the manner provided for in R.S.
16 46:123.

17 * * *

18 §123. Louisiana Military Family Assistance Board

19 * * *

20 B.(1) The board shall establish rules for the implementation of this Part and
21 proper adjudication of need-based claims submitted by families of activated military
22 personnel or honorably discharged active-duty military personnel. The rules shall
23 provide the procedures for determination and consideration of claims and appeals,
24 application forms and claims documentation, requirements, limitations, definitions,
25 and such other matters as the board deems necessary and appropriate to carry out the
26 provisions of this Part and ensure the availability of funds and appropriate
27 disbursement to claimants.

28 (2) Such rules shall establish a maximum dollar amount that may be awarded
29 on behalf of an activated military person or an honorably discharged active-duty

1 military person for a need-based claim per twelve-month period. Such maximum
2 shall apply per active duty order.

3 * * *

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

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

8 (b) That all awards are made pursuant to a claim by family members of
9 activated military personnel or honorably discharged active-duty military personnel
10 as defined in this Part or by the activated military person or honorably discharged
11 active-duty military person himself.

12 (c) That all awards are need-based. Claims may be considered need-based
13 if all of the following apply:

14 * * *

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

17 * * *

18 E. A claim of an activated military person or honorably discharged active-
19 duty military personnel or their family member may be denied if the activated
20 military person or honorably discharged active-duty military person is not in good
21 standing with the appropriate military unit at the time the application is submitted or
22 the claim payment is made.

23 * * *

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

- (3) To provide for the third party administrator's expenses in administration of the program, not to exceed 5% of the amount deposited into the fund each fiscal year.
- (4) To pay transportation and other related costs of activated military personnel.
- (5) To conduct outreach activities for veterans of the United States Armed Forces.

Present law defines "activated military personnel" as a person domiciled in La. for civilian purposes who has named La. as Home of Residence (HOR) for military purposes and is a member of a reserve component of the U.S. Armed Forces and is called to active federal service in excess of 30 days or is a member of the La. National Guard and is called to active state service pursuant to present law.

Present law establishes the La. Military Family Assistance Board to evaluate claims and provides the procedure for evaluation.

Proposed law retains present law, but extends eligibility to families of honorably discharged active-duty military personnel. Further defines "honorably discharged active-duty military personnel" to mean a person domiciled in La. who was on full-time active duty in the military service of the U.S. and received an honorable discharge.

(Amends R.S. 46:121(4), 122(B)(1), and 123(B)(1) and (2), (D)(1)(a), (b), and (c)(iii), (E), (G)(1) and (2), and (K)(2), (3), and (4); Adds R.S. 46:121(5))