HLS 16RS-1413 ORIGINAL

2016 Regular Session

1

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

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:

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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.

1	(2) Family members of activated military personnel or honorably discharged
2	active-duty military personnel who are listed as missing in action or prisoner of war
3	by the U.S. Department of Defense shall also be eligible for this lump sum award.
4	* * *
5	K.
6	* * *
7	(2) The identity of applicants and their related activated military personnel
8	or honorably discharged active-duty military personnel shall be confidential unless
9	waived. The filing of an appeal before the board shall be considered a waiver.
10	(3) Although confidential, records relating to applications and the identity
11	of applicants and their related activated military personnel or honorably discharged
12	active-duty military personnel shall be available to necessary parties such as the
13	legislative auditor, legislative oversight committees for rules and annual reports and
14	such parties as necessary for prudent administration of the program and verification
15	of elements of application.
16	(4) Once a claim is approved, the identity of the claimant and their related
17	activated military personnel or honorably discharged active-duty military personnel
18	and the amount approved shall be public record.
19	* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1002 Original

2016 Regular Session

Montoucet

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

<u>Present law</u> establishes the La. Military Assistance Fund and provides that the funds are to be used for the following purposes:

- (1) To pay need based claims of family members of activated military personnel.
- (2) To provide for state administration of the program, not to exceed 5% of the amount deposited into the fund each fiscal year.

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- (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.

<u>Present law</u> 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.

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

<u>Proposed law</u> retains <u>present law</u>, 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))