**REVISED STATUTES**

§123.  **Louisiana Military Family Assistance Board**

A.(1)  The Louisiana Military Family Assistance Board is hereby created and established under the jurisdiction of the Department of Veterans Affairs.  The board shall be domiciled in Baton Rouge and administrative support of such board shall be provided by such department.

(2)(a)  The board shall be composed of the following:

(i)  The governor, or designee.

(ii)  The lieutenant governor, or designee.

(iii)  The adjutant general, Louisiana National Guard, or designee.

(iv)  The secretary, Louisiana Department of Veteran Affairs, or designee.

(v)  The state treasurer, or designee.

(vi)  The secretary of the Department of Children and Family Services, or designee.

(vii)  The president of the Senate, or designee.

(viii)  The speaker of the House of Representatives, or designee.

(ix)  Three members appointed by the governor who shall be residents of the state and honorably discharged veterans of the Louisiana National Guard or the active or other reserve components of the armed forces of the United States.  Such appointed members shall be subject to confirmation by the Senate.

(b)  A majority of the members of the board shall constitute a quorum for the transaction of all business.  The chairman shall be elected.

(3)  Members shall serve without additional compensation or reimbursement for expenses.  However, members or designees who are not public officials shall be entitled to compensation or reimbursement for attendance at meetings of the board and other expenses incurred on business of the board.  Such compensation or reimbursement shall be for necessary and appropriate expenses equivalent to that allowed in state law for state classified employees.

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

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

(3)  Such rules shall require that applicants attach to their applications an appropriate authorization to access personnel information contained in the military database Defense Enrollment Eligibility Reporting System (DEERS) for verification purposes.

(4)  The board may provide and distribute public information as necessary regarding the provisions of this Part, including information relative to procedures for public or private contributions to the fund and the tax-exempt status of such contributions.

(5)  The board shall meet as necessary to oversee the implementation of this Part.

C.  The board may enter into a cooperative agreement with a third party administrator to accomplish the necessary administration or required claims adjudication in accordance with rules promulgated by the board.  However, such agreement shall not be valid until approved by the Joint Legislative Committee on the Budget.

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

(a)  That all awards are on behalf of activated military personnel as defined in this Part.

(b)  That all awards are made pursuant to a claim by family members of activated military personnel as defined in this Part or by the activated military person himself.

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

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

(ii)  The necessary expenses created, or will create, an undue hardship on the family member.

(iii)  The undue hardship can be directly related to the activation of the military person.

(iv)  The family member does not have reasonable access to any other funding source.

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

(vi)  The Louisiana Military Family Assistance Fund is in fact the family member's last resort.

(2)(a)  The third party administrator shall make a written determination on a claim as soon as possible.  In no event shall the time period between receipt of the completed application by the third party administrator and release by the administrator of the written determination exceed thirty days.  Such determination shall be:

(i)  To approve the claim.

(ii)  To disapprove the claim.

(iii)  To request additional information or documentation regarding the claim.

(iv)  To schedule a meeting with the applicant to discuss the claim.

(b)  If the third party administrator requests additional information, it shall make a written determination within fifteen days of receipt of such information.  Such determination shall indicate that the administrator approved or disapproved the claim.

(c)  If the third party administrator schedules a meeting, it shall make a written determination within fifteen days following such meeting.  Such determination shall indicate that the administrator approved or disapproved the claim.

(d)  If the third party administrator fails to make a written determination within the time periods specified in this Paragraph, the claim shall be considered disapproved.

(3)  If the third party administrator approves a claim, it shall determine when the claim shall be paid, the amount of payment, to whom the payment shall be made and such other matters as it deems necessary and appropriate.

(4)(a)  An applicant may appeal the denial of a claim by the third party administrator to the board within thirty days of the receipt of such decision.

(b)  The decision of the board on a claim shall be final.

(5)  No claim shall be approved by the board, or the third party administrator, or paid by either of them, that does not meet the requirements of the law or rules.

E.  A claim of an activated military person or their family member may be denied if the activated military person is not in good standing with the appropriate military unit at the time the application is submitted or the claim payment is made.

F.(1)  The third party administrator may consider and make awards for claims arising on and after September 11, 2001.

(2)  The board shall establish by rule the appropriate level of funds available in the Louisiana Military Family Assistance Fund for the program created by this Part to initially become operational.  No application shall be approved until such level of funding is achieved; and thereafter, no application shall be approved by either the board or the third party administrator unless the funding is available.  At no time shall the outstanding liabilities exceed the available funding.

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

(2)  Family members of activated military personnel who are listed as missing in action or prisoner of war by the U.S. Department of Defense shall also be eligible for this lump sum award.

(3)  Lump sum awards shall be limited to one per active duty order.

(4)  The board shall provide by rule the maximum percentage, not to exceed twenty percent, per fiscal year of the Louisiana Military Family Assistance Fund that may be directed to lump sum payments.

H.  Revenue and expenditures related to the Louisiana Military Family Assistance Fund shall be subject to audit by the legislative auditor.

I.(1) Any person who knowingly makes a false statement or representation in submitting a claim, or knowingly fails to disclose a material fact to obtain or increase a claim, shall be guilty of a misdemeanor and shall be subject to a fine of up to an amount equivalent to double the amount claimed.  Each false statement or representation or failure to disclose a material fact shall constitute a separate offense.

(2) If the board suspects that an application is submitted in violation of this Subsection, it shall refer such application to the appropriate district attorney's office.

J.  The board shall provide an annual report to the Joint Legislative Committee on the Budget on the overall activities of the program and any recommendations for consideration.  The initial report shall be due January 1, 2007.

K.(1)  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.

(2)  The identity of applicants and their related activated military personnel shall be confidential unless waived.  The filing of an appeal before the board shall be considered a waiver.

(3)  Although confidential, records relating to applications and the identity of applicants and their related activated military personnel shall be available to necessary parties such as the legislative auditor, legislative oversight committees for rules and annual reports and such parties as necessary for prudent administration of the program and verification of elements of application.

(4)  Once a claim is approved, the identity of the claimant and their related activated military personnel and the amount approved shall be public record.

L.  The board shall provide by rule the maximum percentage, not to exceed ten percent, per fiscal year that may be directed to outreach activities for veterans.

Acts 2005, No. 151, §1, eff. June 28, 2005; Acts 2008, No. 676, §1; Acts 2010, No. 256, §1; Acts 2010, No. 877, §3, eff. July 1, 2010.