Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 24

SENATE BILL 1176

AN ACT

AMENDING SECTION 41-608.04, ARIZONA REVISED STATUTES; RELATING TO THE MILITARY FAMILY RELIEF FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-608.04, Arizona Revised Statutes, is amended to read:

41-608.04. Military family relief fund; advisory committee

A. The military family relief fund is established through December 31, 2013. The fund consists of private donations, grants, bequests and any other monies received for that purpose. The department shall administer the fund. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. The monies in the fund are continuously appropriated to the department solely for the purposes described in this section. Any monies remaining unexpended and unencumbered on December 31, 2013 shall be transferred for deposit in the veterans' donations fund established by section 41-608.

B. The military family relief advisory committee is established to determine appropriate uses of the monies in the military family relief fund as provided by this section. The advisory committee consists of the director or the director's designee and twelve additional members, including widows and widowers of military personnel who died in the line of duty, military retirees, veterans who have a service-connected disability and their family members, ~~and~~ Arizona army and air national guard unit commanders AND ACTIVE AND RETIRED SENIOR ENLISTED MILITARY PERSONNEL. Except for the director, the governor shall appoint the members based on recommendations by the director, ~~by Arizona army and air national guard commanders~~ THE ADJUTANT GENERAL and ~~by~~ commanders of military bases in this state. Appointed members serve at the pleasure of the governor. THE ADVISORY COMMITTEE SHALL ELECT A CHAIRPERSON FROM AMONG THE APPOINTED MEMBERS.

C. The advisory committee shall:

1. Establish criteria for the use of monies in the fund.

2. Establish and revise as necessary the application process for financial assistance.

3. Review and evaluate applications.

4. Make other recommendations as necessary.

D. THE ADVISORY COMMITTEE MAY ESTABLISH A SUBCOMMITTEE, CONSISTING OF NOT MORE THAN FIVE MEMBERS OF THE FULL COMMITTEE, TO RECOMMEND APPROVAL OF A GRANT TO AN APPLICANT OF NOT MORE THAN THREE THOUSAND DOLLARS.

E. NOTWITHSTANDING SECTION 38-431.03, THE SUBCOMMITTEE MAY MEET IN EXECUTIVE SESSION WITHOUT ADVANCE NOTICE. THE FULL ADVISORY COMMITTEE MAY MEET IN EXECUTIVE SESSION, WITH NOTICE PURSUANT TO SECTION 38-431.02, TO REVIEW AND EVALUATE APPLICATIONS OR REVIEW RECOMMENDATIONS OF THE SUBCOMMITTEE. APPLICATIONS FOR FINANCIAL ASSISTANCE AND ALL COMMITTEE CONSIDERATIONS AND EVALUATIONS OF THE APPLICATIONS ARE CONFIDENTIAL.

~~D.~~ F. The monies in the fund shall be used to provide financial assistance ~~to family members of military personnel who were killed or wounded in the line of duty, and who were deployed from a military base in this state~~

~~or who were members of the Arizona army or air national guard~~ PURSUANT TO PARAGRAPHS 1, 2 AND 3 OF THIS SUBSECTION. THE SERVICE MEMBER OF AN APPLYING FAMILY MUST HAVE BEEN DECEASED, WOUNDED OR INJURED OR BECOME SERIOUSLY ILL AFTER SEPTEMBER 11, 2001, BEEN DEPLOYED FROM A MILITARY BASE IN THIS STATE OR ENTERED ACTIVE UNITED STATES MILITARY SERVICE FROM THIS STATE, CLAIMED THIS STATE AS THE SERVICE MEMBER'S HOME OF RECORD OR BEEN A MEMBER OF THE ARIZONA NATIONAL GUARD AT THE TIME OF DEPLOYMENT. IF DISCHARGED FROM MILITARY SERVICE, THE SERVICE MEMBER MUST HAVE BEEN DISCHARGED UNDER HONORABLE CONDITIONS. The assistance ~~to family members~~ shall be based on financial need UP TO TEN THOUSAND DOLLARS PER FAMILY. Eligible assistance is as follows:

1. Widows, ~~and~~ widowers OR DEPENDENT CHILDREN of ~~military personnel~~ SERVICE MEMBERS who ~~were killed~~ DIED in the line of duty IN A COMBAT ZONE OR A ZONE WHERE THE PERSON WAS RECEIVING HAZARDOUS DUTY PAY may apply for a stipend for living expenses for up to six months ~~after the termination of military pay and death benefits~~. For the purposes of the stipend, qualifying living expenses are residential mortgage, rent and utility payments and other basic living expenses. PAYMENTS WITH RESPECT TO ANY DECEASED PERSON UNDER THIS PARAGRAPH ARE LIMITED TO A TOTAL OF TEN THOUSAND DOLLARS.

~~2. Spouses and minor children of military personnel who were wounded in the line of duty may apply for a stipend for living expenses for up to six months near a military or veterans hospital or rehabilitation facility where the person is being treated, including travel and housing expenses.~~

2. AN IMMEDIATE FAMILY MEMBER MAY APPLY FOR PAYMENT OF COSTS OF TEMPORARY RESIDENCE NEAR THE MEDICAL FACILITY WHERE THE SERVICE MEMBER OR FORMER SERVICE MEMBER IS BEING TREATED, INCLUDING LIVING, TRAVEL AND HOUSING EXPENSES. PAYMENTS MAY BE PAYABLE IN MONTHLY INSTALLMENTS AS LONG AS THE PERSON IS HOSPITALIZED OR RECEIVING MEDICAL CARE OR REHABILITATION SERVICES AS AUTHORIZED BY MILITARY OR VETERANS' MEDICAL PERSONNEL.

3. AN IMMEDIATE FAMILY MEMBER, SERVICE MEMBER OR FORMER SERVICE MEMBER MAY APPLY FOR LIVING EXPENSES.

~~E.~~ G. The director may allocate up to five per cent of the ~~fund balance at the beginning of the fiscal year~~ DONATIONS RECEIVED for administering the fund and the financial assistance program under this section.

~~F.~~ H. The director shall receive private donations for deposit in the fund and issue receipts to the donors. Private donations may qualify for the purposes of income tax credits under section 43-1086. The director may receive donations in any amount, but donations THAT QUALIFY FOR TAX CREDITS ARE SUBJECT TO THE LIMITS PRESCRIBED BY SECTION 43-1086. DONATIONS to the fund THAT OTHERWISE QUALIFY UNDER THE TAX CREDIT LIMITS PRESCRIBED BY SECTION 43-1086 BUT that exceed a combined total of one million dollars in any calendar year, on a first come first served basis, do not qualify for the income tax credits. The director shall provide the taxpayer a donation receipt, which shall include the TAXPAYER'S full name~~,~~ AND address, ~~and~~ the

last four digits of the taxpayer's social security number and the amount of the donation. The director shall designate on the donation receipt whether the donation qualifies under the limits prescribed by this subsection and section 43-1086. The director shall send a ~~copy of each receipt~~ RECORD OF RECEIPTS that ~~qualifies for a donation~~ QUALIFY UNDER THIS SUBSECTION to the department of revenue.

~~G.~~ I. On or before March 31 of each year, the director shall provide for an audit by an independent certified public accountant of the fund and of the aggregate amount authorized by the director for income tax credits under subsection ~~F~~ H of this section. The director shall promptly submit a certified copy of the audit to the auditor general. The auditor general may make further audits and examinations as necessary and may take appropriate action relating to the audit or examination pursuant to chapter 7, article 10.1 of this title. If the auditor general does not take further action within thirty days after the audit is filed, the audit is considered to be sufficient. The director shall pay the costs of the certified public accountant and the auditor general from the administration allocation under subsection ~~E~~ G of this section.

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR JULY 9, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 9, 2009.