

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)

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

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

4 41-608.04. Military family relief fund; advisory committee

5 A. The military family relief fund is established through December 31,
6 2013. The fund consists of private donations, grants, bequests and any other
7 monies received for that purpose. The department shall administer the fund.
8 On notice from the director, the state treasurer shall invest and divest
9 monies in the fund as provided by section 35-313, and monies earned from
10 investment shall be credited to the fund. The monies in the fund are
11 continuously appropriated to the department solely for the purposes described
12 in this section. Any monies remaining unexpended and unencumbered on
13 December 31, 2013 shall be transferred for deposit in the veterans' donations
14 fund established by section 41-608.

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

28 C. The advisory committee shall:

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

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

32 3. Review and evaluate applications.

33 4. Make other recommendations as necessary.

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

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

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

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

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

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

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

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

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

36 ~~F. H. The director shall receive private donations for deposit in the~~
37 fund and issue receipts to the donors. Private donations may qualify for the
38 purposes of income tax credits under section 43-1086. The director may
39 receive donations in any amount, but donations THAT QUALIFY FOR TAX CREDITS
40 ARE SUBJECT TO THE LIMITS PRESCRIBED BY SECTION 43-1086. DONATIONS to the
41 fund THAT OTHERWISE QUALIFY UNDER THE TAX CREDIT LIMITS PRESCRIBED BY SECTION
42 43-1086 BUT that exceed a combined total of one million dollars in any
43 calendar year, on a first come first served basis, do not qualify for the
44 income tax credits. The director shall provide the taxpayer a donation
45 receipt, which shall include the TAXPAYER'S full name, AND address, ~~and~~ the

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

7 ~~G.~~ I. On or before March 31 of each year, the director shall provide
8 for an audit by an independent certified public accountant of the fund and of
9 the aggregate amount authorized by the director for income tax credits under
10 subsection ~~F~~ H of this section. The director shall promptly submit a
11 certified copy of the audit to the auditor general. The auditor general may
12 make further audits and examinations as necessary and may take appropriate
13 action relating to the audit or examination pursuant to chapter 7, article
14 10.1 of this title. If the auditor general does not take further action
15 within thirty days after the audit is filed, the audit is considered to be
16 sufficient. The director shall pay the costs of the certified public
17 accountant and the auditor general from the administration allocation under
18 subsection ~~E~~ G of this section.

19 Sec. 2. Emergency

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

APPROVED BY THE GOVERNOR JULY 9, 2009.

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

Passed the House June 26, 2009,
by the following vote: 49 Ayes,

0 Nays, 11 Not Voting
with emergency
[Signature]
Speaker of the House
Pro Tempore
[Signature]
Chief Clerk of the House

Passed the Senate June 18, 2009,
by the following vote: 27 Ayes,

0 Nays, 3 Not Voting
with emergency
[Signature]
President of the Senate
[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
1st day of July, 2009

at 8:53 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this ~~1st~~ 9th day of
July, 2009.

at 3:22 o'clock P M.
[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 9 day of July, 2009.

at 4:15 o'clock P M.
[Signature]
Secretary of State

S.B. 1176