House Engrossed

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 199

HOUSE BILL 2192

AN ACT

AMENDING SECTIONS 41-608.04 AND 43-1086, ARIZONA REVISED STATUTES; AMENDING LAWS 2008, CHAPTER 243, SECTION 6, AS AMENDED BY LAWS 2012, CHAPTER 281, SECTION 2; 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, ~~2018~~ 2026. 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, ~~2018~~ 2026 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, 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, the adjutant general and 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.

F. The monies in the fund shall be used to provide financial assistance pursuant to 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, 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 shall be based on financial need up to twenty thousand dollars per family. Eligible assistance is as follows:

1. Widows, widowers or dependent children of service members who 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. 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 twenty thousand dollars.

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:

(a) Living expenses.

(b) Other appropriate expenses as determined by the military family relief advisory committee.

G. The director may allocate up to five percent of the donations received for administering the fund and the financial assistance program under this section, including the hiring of an employee to process applications and provide support to the committee. The department shall provide reasonable office space and other necessary resources for the employee.

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~~ 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, 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 record of receipts that qualify under this subsection to the department of revenue.

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 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 G of this section.

Sec. 2. Section 43-1086, Arizona Revised Statutes, is amended to read:

43-1086. Credit for donation to the military family relief fund

A. For taxable years beginning from and after December 31, 2007 through December 31, ~~2018~~ 2026, a credit is allowed against the taxes imposed by this title for cash contributions made by a taxpayer during the taxable year to the military family relief fund established by section 41-608.04. The amount of the credit is the lowest of the following amounts, as applicable:

1. The total amount of contributions to the fund by the taxpayer during the taxable year.

2. Two hundred dollars of contributions during the taxable year by a taxpayer filing as a single individual or a head of household.

3. Four hundred dollars of contributions during the taxable year by a married couple filing a joint return.

4. The taxpayer's tax liability for the taxable year.

B. A husband and wife who file separate returns for a taxable year in which they could have filed a joint return may each claim only one-half of the tax credit that would have been allowed on a joint return.

Sec. 3. Laws 2008, chapter 243, section 6, as amended by Laws 2012, chapter 281, section 2, is amended to read:

Sec. 6. Delayed repeal

A. Section 41-608.04, Arizona Revised Statutes, AS AMENDED BY THIS ACT, is repealed from and after December 31, ~~2018~~ 2026.

B. Section 43-1086, Arizona Revised Statutes, AS AMENDED BY THIS ACT, is repealed from and after December 31, ~~2018~~ 2026.

APPROVED BY THE GOVERNOR APRIL 12, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2018.