

House Engrossed Senate Bill

military family relief fund

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 70

SENATE BILL 1443

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
3 to read:

4 **41-608.04. Military family relief fund; subaccounts; advisory**
5 **committees; definitions**

6 A. The military family relief fund is established through
7 December 31, 2026. The fund consists of private donations, grants,
8 bequests and any other monies received for that purpose.

9 B. The pre-9/11 veterans subaccount and post-9/11 veterans
10 subaccount of the military family relief fund are established. The
11 department shall administer the **FUND AND** subaccounts. On notice from the
12 director, the state treasurer shall invest and divest monies in the
13 subaccounts as provided by section 35-313, and monies earned from
14 investment shall be credited to the subaccounts. The monies in the
15 subaccounts are continuously appropriated to the department solely for the
16 purposes described in this section. Any monies remaining unexpended and
17 unencumbered on December 31, 2026 shall be transferred for deposit in the
18 veterans' donations fund established by section 41-608.

19 C. The post-9/11 military family relief advisory committee is
20 established to determine appropriate uses of the monies in the post-9/11
21 veterans subaccount as provided by this section. The post-9/11 military
22 family relief advisory committee consists of the director or the
23 director's designee and twelve additional members, including widows and
24 widowers of military personnel who died in the line of duty, military
25 retirees, veterans who have a service-connected disability and their
26 family members, Arizona army and air national guard unit commanders and
27 active and retired senior enlisted military personnel. Except for the
28 director, the governor shall appoint the members based on recommendations
29 by the director, the adjutant general and commanders of military bases in
30 this state. Appointed members serve at the pleasure of the governor. The
31 post-9/11 military family relief advisory committee shall elect a
32 chairperson from among the appointed members.

33 D. The post-9/11 military family relief advisory committee shall:

34 1. Establish criteria for the use of monies in the post-9/11
35 veterans subaccount.

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

38 3. Review and evaluate applications.

39 4. Make other recommendations as necessary.

40 E. The pre-9/11 military family relief advisory committee is
41 established to determine appropriate uses of the monies in the pre-9/11
42 veterans subaccount as provided by this section. The pre-9/11 military
43 family relief advisory committee consists of the director or the
44 director's designee and twelve additional members, including widows and
45 widowers of military personnel who died in the line of duty, military

1 retirees, veterans who have a service-connected disability and their
2 family members, Arizona army and air national guard unit commanders and
3 active and retired senior enlisted military personnel. Except for the
4 director, the governor shall appoint the members based on recommendations
5 by the director, the adjutant general and commanders of military bases in
6 this state. Appointed members serve at the pleasure of the governor. The
7 pre-9/11 military family relief advisory committee shall elect a
8 chairperson from among the appointed members.

9 F. The pre-9/11 military family relief advisory committee shall:
10 1. Establish criteria for the use of monies in the pre-9/11
11 veterans subaccount.

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

14 3. Review and evaluate applications.

15 4. Make other recommendations as necessary.

16 G. The advisory committees may establish subcommittees, consisting
17 of not more than five members of the full committees, to recommend
18 approval of a grant to an applicant of not more than ~~three thousand~~
19 ~~dollars~~ \$3,000.

20 H. Notwithstanding section 38-431.03, the subcommittees may meet in
21 executive session without advance notice. The full advisory committees
22 may meet in executive session, with notice pursuant to section 38-431.02,
23 to review and evaluate applications or review recommendations of the
24 subcommittees. Applications for financial assistance and all committee
25 considerations and evaluations of the applications are confidential.

26 I. The monies in the post-9/11 veterans subaccount shall be used to
27 provide financial assistance pursuant to this subsection. The service
28 member of an applying family must have been deceased, wounded or injured
29 or become seriously ill after September 11, 2001, ~~AND~~ been deployed from
30 a military base in this state ~~AFTER SEPTEMBER 11, 2001~~, claimed this state
31 as the service member's home of record, ~~or~~ been a member of the Arizona
32 national guard at the time of deployment ~~OR ESTABLISHED RESIDENCY IN THIS~~
~~STATE AND BE ABLE TO PROVIDE PROOF OF CONTINUOUS PHYSICAL PRESENCE IN THIS~~
~~STATE FOR AT LEAST TWELVE MONTHS BEFORE SUBMITTING AN APPLICATION~~. If
33 discharged from military service, the service member must have been
34 discharged under honorable conditions. The assistance shall be based on
35 financial need ~~AS A RESULT OF THE SERVICE MEMBER'S MILITARY SERVICE~~ up to
36 ~~twenty thousand dollars~~ \$20,000 per family. Eligible assistance is as
37 follows:

38 1. Widows, widowers or dependent children of service members who
39 died in the line of duty in a combat zone or a zone where the person was
40 receiving hazardous duty pay may apply for a stipend for living expenses
41 for up to six months. For the purposes of the stipend, qualifying living
42 expenses are residential mortgage, rent and utility payments and other

1 basic living expenses. Payments with respect to any deceased person under
2 this paragraph are limited to a total of ~~twenty thousand dollars~~ \$20,000.

3 2. An immediate family member may apply for payment of costs of
4 temporary residence near the medical facility where the service member or
5 former service member is being treated, including living, travel and
6 housing expenses. Payments may be payable in monthly installments as long
7 as the person is hospitalized or receiving medical care or rehabilitation
8 services as authorized by military or veterans' medical personnel.

9 3. An immediate family member, service member or former service
10 member may apply for:

11 (a) Living expenses.

12 (b) Other appropriate expenses as determined by the post-9/11
13 military family relief advisory committee.

14 J. The monies in the pre-9/11 veterans subaccount shall be used to
15 provide financial assistance pursuant to this subsection. The service
16 member of an applying family must have been deceased, wounded or injured
17 or become seriously ill on or before September 11, 2001, ~~AND~~ been
18 deployed from a military base in this state ~~ON OR BEFORE SEPTEMBER 11,~~
19 ~~2001~~, claimed this state as the service member's home of record, ~~or~~ been a
20 member of the Arizona national guard at the time of deployment ~~OR~~
21 ~~ESTABLISHED RESIDENCY IN THIS STATE AND BE ABLE TO PROVIDE PROOF OF~~
22 ~~CONTINUOUS PHYSICAL PRESENCE IN THIS STATE FOR AT LEAST TWELVE MONTHS~~
23 ~~BEFORE SUBMITTING AN APPLICATION~~. If discharged from military service,
24 the service member must have been discharged under honorable
25 conditions. The assistance shall be based on financial need ~~AS A RESULT~~
26 ~~OF THE SERVICE MEMBER'S MILITARY SERVICE~~ up to ~~twenty thousand dollars~~
27 \$20,000 per family. Eligible assistance is as follows:

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29 died in the line of duty in a combat zone or a zone where the person was
30 receiving hazardous duty pay may apply for a stipend for living expenses
31 for up to six months. For the purposes of the stipend, qualifying living
32 expenses are residential mortgage, rent and utility payments and other
33 basic living expenses. Payments with respect to any deceased person under
34 this paragraph are limited to a total of ~~twenty thousand dollars~~ \$20,000.

35 2. An immediate family member may apply for payment of costs of
36 temporary residence near the medical facility where the service member or
37 former service member is being treated, including living, travel and
38 housing expenses. Payments may be payable in monthly installments as long
39 as the person is hospitalized or receiving medical care or rehabilitation
40 services as authorized by military or veterans' medical personnel.

41 3. An immediate family member, service member or former service
42 member may apply for:

43 (a) Living expenses.

44 (b) Other appropriate expenses as determined by the pre-9/11
45 military family relief advisory committee.

1 K. The director may allocate up to ~~five~~ TEN percent of the
2 donations received for THE ACTUAL REASONABLE COSTS OF administering the
3 subaccounts and the financial assistance program under this section,
4 including the hiring of an employee to process applications and provide
5 support to the committee. The department shall provide reasonable office
6 space and other necessary resources for the employee.

7 L. The director shall receive private donations for deposit in the
8 subaccounts and issue receipts to the donors. A donor shall designate the
9 subaccount in which the donor wishes the donation to be deposited as
10 follows:

11 1. One hundred percent of the donation to be deposited in the
12 pre-9/11 veterans subaccount.

13 2. One hundred percent of the donation to be deposited in the
14 post-9/11 veterans subaccount.

15 3. Fifty percent of the donation to be deposited in the pre-9/11
16 veterans subaccount and fifty percent of the donation to be deposited in
17 the post-9/11 veterans subaccount.

18 M. Private donations may qualify for the purposes of income tax
19 credits under section 43-1086. The director may receive donations in any
20 amount, but donations that qualify for tax credits are subject to the
21 limits prescribed by section 43-1086. Donations to the subaccounts that
22 otherwise qualify under the tax credit limits prescribed by section
23 43-1086 but that exceed a combined total of ~~one million dollars~~ \$1,000,000
24 in any calendar year, on a first-come, first-served basis, do not qualify
25 for the income tax credits. The director shall provide the taxpayer a
26 donation receipt, which shall include the taxpayer's full name and
27 address, the last four digits of the taxpayer's social security number and
28 the amount of the donation. The director shall designate on the donation
29 receipt whether the donation qualifies under the limits prescribed by this
30 subsection and section 43-1086. The director shall send a record of
31 receipts that qualify under this subsection to the department of revenue.

32 N. On or before March 31 of each year, the director shall provide
33 for an audit by an independent certified public accountant of the
34 subaccounts and of the aggregate amount authorized by the director for
35 income tax credits under subsection M of this section. The director shall
36 promptly submit a certified copy of the audit to the auditor general. The
37 auditor general may make further audits and examinations as necessary and
38 may take appropriate action relating to the audit or examination pursuant
39 to chapter 7, article 10.1 of this title. If the auditor general does not
40 take further action within thirty days after the audit is filed, the audit
41 is considered to be sufficient. The director shall pay the costs of the
42 certified public accountant and the auditor general from the
43 administration allocation under subsection K of this section.

- 1 0. FOR THE PURPOSES OF THIS SECTION:
- 2 1. "ESTABLISHED RESIDENCY" MEANS THAT A SERVICE MEMBER HAS OBTAINED
- 3 A VALID ARIZONA DRIVER LICENSE, ARIZONA NONOPERATING LICENSE, ARIZONA
- 4 MOTOR VEHICLE REGISTRATION OR COMMUNITY SERVICE ORGANIZATION VERIFICATION
- 5 OF HOMELESS STATUS AND ARIZONA RESIDENCY.
- 6 2. "CONTINUOUS PHYSICAL PRESENCE" MEANS THAT A SERVICE MEMBER HAS A
- 7 DOCUMENTED PLACE OF HABITATION AND IS LIVING IN THIS STATE OR HAS
- 8 COMMUNITY SERVICE ORGANIZATION VERIFICATION OF HOMELESS STATUS AND
- 9 CONTINUOUS PHYSICAL PRESENCE IN THIS STATE.

APPROVED BY THE GOVERNOR MARCH 18, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 18, 2021.