

JAN 22 2008

A BILL FOR AN ACT

RELATING TO ARMED SERVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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2 SECTION 1. Chapter 121, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§121- Hawaii military family relief program; expendable

6 trust fund. (a) There is created the Hawaii military family
7 relief program within the state treasury to help members of the
8 Hawaii national guard and Hawaii residents who are members of
9 the reserve components of the armed forces of the United States
10 and who were called to active duty after September 11, 2001, and
11 their families, to defray the costs of food, housing, utilities,
12 medical services, and other expenses.

13 (b) There is created an expendable trust, to be known as
14 the Hawaii military family relief trust fund from which moneys
15 shall be expended, without necessity of appropriation, under the
16 Hawaii military family relief program. The trust fund shall
17 consist of general appropriations and moneys received from



1 public and private sources as gifts, grants, and donations to
2 further the purposes of the trust fund.

3 (c) A person qualifies to apply for moneys from the trust
4 fund if the person has been a resident in the State for not less
5 than six months before the time of the person's entry into
6 military service. Upon application, a person may receive the
7 following sums from the trust fund if the person applying has
8 served in the armed forces of the United States in active
9 service as part of Operation Enduring Freedom, Operation Iraqi
10 Freedom, or Operation Noble Eagle and was discharged or released
11 under honorable conditions from service:

12 (1) \$1,000 to each person who performed active service
13 outside the continental limits of the United States in
14 the Afghanistan or Iraq area as those areas are
15 described by proper federal authority; and

16 (2) \$500 to each person who performed active duty within
17 the continental limits of the United States or outside
18 the continental limits of the United States other than
19 in the Afghanistan or Iraq areas for a period of six
20 months or more.

21 (d) As used in this section,



1 "Active service in the armed forces" shall not include
2 active duty for training in the Army national guard or Air
3 national guard or active duty for training as a reservist in the
4 armed forces of the United States.

5 "Armed forces" means:

- 6 (1) United States Army;
- 7 (2) Army of the United States;
- 8 (3) Army Reserve;
- 9 (4) United States Navy;
- 10 (5) United States Naval Reserve;
- 11 (6) United States Marine Corps;
- 12 (7) United States Marine Corps Reserve;
- 13 (8) United States Coast Guard;
- 14 (9) United States Coast Guard Reserve;
- 15 (10) Army Nurse Corps;
- 16 (11) Navy Nurse Corps;
- 17 (12) United States Air Force;
- 18 (13) United States Air Force Reserve;
- 19 (14) Air National Guard;
- 20 (15) Army National Guard; and
- 21 (16) Women's branches of the armed forces.



1 (e) If a person dies who, if alive, would have been
2 entitled to the benefits under this section, the specified sum
3 shall be paid to the decedent's heirs-at-law; provided that if
4 there is more than one heir-at-law, payments, in either case,
5 shall be made in any proportion that the adjutant general
6 determines. In determining the order of precedence, so far as
7 practicable, the following order shall be observed:

- 8 (1) Spouse and children;
- 9 (2) Mother or father;
- 10 (3) Brother or sister; and
- 11 (4) Other dependents;

12 provided, however, that no right or payment under this section
13 shall be subject to the claims of creditors, capable of
14 assignment, regarded as assets, legal or equitable of the estate
15 of the deceased or made the basis for administration thereof.

16 (f) If a person dies while in active service, there shall
17 be paid the sum of \$1,000 subject to, and in the manner provided
18 by, subsection (e). If a person is mentally incompetent and is
19 entitled to benefits and for whom no legal guardian has been
20 appointed by court, the specified sum shall be paid to the
21 decedent's dependents. In determining the order of precedence,
22 so far as practicable, the following order shall be observed:

1 (1) Spouse and children;

2 (2) Mother or father;

3 (3) Brother or sister; and

4 (4) Other dependents.

5 (g) Applications shall be filed with the adjutant general
6 upon forms furnished by the adjutant general. The adjutant
7 general may accept either the written statement of the clerk of
8 a county that a person claiming a benefit, or on whose account a
9 benefit is claimed by a dependent or heir-at-law, was a resident
10 in that county on the first day of January in any year as prima
11 facie evidence of the fact of residence or any other evidence of
12 residence as the adjutant general deems adequate or necessary.
13 The clerks of the counties, at the request of the adjutant
14 general, shall furnish the necessary residence information as
15 their records may disclose. The adjutant general may require
16 and accept any additional evidence as the adjutant general may
17 consider necessary to establish residence. The adjutant general
18 shall certify the dates of service and any other military
19 information necessary to carry out the provisions of this
20 section.

21 (h) Any person who knowingly makes a false statement, oral
22 or written, relating to a material fact in supporting a claim



1 under this section, shall pay a fine of not more than \$1,000, be
 2 imprisoned for not more than one year, or both. An offense
 3 under this section may be prosecuted by the attorney general in
 4 any court within the State, and all fines collected shall be
 5 paid to the treasury of the State.

6 (i) The adjutant general shall adopt rules in accordance
 7 with chapter 91 to implement this section."

8 SECTION 2. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$ or so
 10 much thereof as may be necessary for fiscal year 2008-2009 for
 11 deposit into the Hawaii military family relief trust fund.

12 The sum appropriated shall be expended by the adjutant
 13 general for the purposes of this Act.

14 SECTION 3. This Act shall take effect upon its approval,
 15 except that section 2 shall take effect on July 1, 2008.

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Report Title:

Hawaii Military Family Relief Trust Fund

Description:

Creates Hawaii military family relief trust program and trust fund to pay cash benefits to certain members of the armed forces who have served in active service.

