

JAN 23 2009

---

---

# A BILL FOR AN ACT

RELATING TO ARMED SERVICES.

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

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

4 "§121- Hawaii military family relief program;  
5 expendable trust fund. (a) There is created within the state  
6 treasury the Hawaii military family relief trust fund from which  
7 moneys shall be expended, without necessity of appropriation,  
8 under the Hawaii military family relief program to defray the  
9 costs of food, housing, utilities, medical services, and other  
10 expenses of members of the Hawaii national guard and Hawaii  
11 residents who are members of the reserve components of the armed  
12 forces of the United States, who were called to active duty  
13 after September 11, 2001, and their families. The trust fund  
14 shall consist of general appropriations and moneys received from  
15 public and private sources as gifts, grants, and donations to  
16 further the purposes of the trust fund.

17 (b) A person qualifies to apply for moneys from the trust  
18 fund if the person has been a resident in the State for not less



1 than six months before the time of the person's entry into  
2 military service. Upon application, a person may receive the  
3 following sums from the trust fund if the person applying has  
4 served in the armed forces of the United States in active  
5 service as part of Operation Enduring Freedom, Operation Iraqi  
6 Freedom, or Operation Noble Eagle and was discharged or released  
7 under honorable conditions from service:

- 8       (1) \$1,000 to each person who performed active service  
9           outside the continental limits of the United States in  
10          the Afghanistan or Iraq area as those areas are  
11          described by proper federal authority; and
- 12       (2) \$500 to each person who performed active duty within  
13          the continental limits of the United States or outside  
14          the continental limits of the United States other than  
15          in the Afghanistan or Iraq areas for a period of six  
16          months or more.

17       (c) As used in this section:

18       "Active service in the armed forces" shall not include  
19 active duty for training in the Army national guard or Air  
20 national guard or active duty for training as a reservist in the  
21 armed forces of the United States.

22       "Armed forces" means:



- 1        (1) United States Army;
- 2        (2) United States Army Reserve;
- 3        (3) United States Navy;
- 4        (4) United States Naval Reserve;
- 5        (5) United States Marine Corps;
- 6        (6) United States Marine Corps Reserve;
- 7        (7) United States Coast Guard;
- 8        (8) United States Coast Guard Reserve;
- 9        (9) United States Army Nurse Corps;
- 10       (10) United States Navy Nurse Corps;
- 11       (11) United States Air Force;
- 12       (12) United States Air Force Reserve;
- 13       (13) Air National Guard;
- 14       (14) Army National Guard; and
- 15       (15) The women's branches of the United States armed
- 16       forces.
  
- 17       (d) If a person dies who, if alive, would have been
- 18       entitled to the benefits under this section, the specified sum
- 19       shall be paid to the decedent's heirs-at-law; provided that if
- 20       there is more than one heir-at-law, payments, in either case,
- 21       shall be made in any proportion that the adjutant general



1 determines. In determining the order of precedence, so far as  
2 practicable, the following order shall be observed:

- 3 (1) Spouse and children;
- 4 (2) Mother or father;
- 5 (3) Brother or sister; and
- 6 (4) Other dependents;

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

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

- 18 (1) Spouse and children;
- 19 (2) Mother or father;
- 20 (3) Brother or sister; and
- 21 (4) Other dependents.

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

17       (g) Any person who knowingly makes a false statement, oral  
18 or written, relating to a material fact in supporting a claim  
19 under this section, shall be fined not more than \$1,000, be  
20 imprisoned for not more than one year, or both. An offense  
21 under this section may be prosecuted by the attorney general in



1 any court within the State, and all fines collected shall be  
2 paid to the treasury of the State.

3 (h) The adjutant general shall adopt rules in accordance  
4 with chapter 91 to implement this section."

5 SECTION 2. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$ or so  
7 much thereof as may be necessary for fiscal year 2009-2010 for  
8 deposit into the Hawaii military family relief trust fund.

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

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2009.

13

INTRODUCED BY: Will Eyew  
Ross



**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.

