

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 386, As Amended

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE  
2 PROVISIONS RELATING TO ELIGIBILITY OF A SCHOLARSHIP OF A SPOUSE OR  
3 CHILD, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR A SCHOLAR-  
4 SHIP FOR A CHILD OF A MILITARY MEMBER, TO ESTABLISH PROVISIONS RELATING  
5 TO ELIGIBILITY FOR A SCHOLARSHIP FOR A SPOUSE OF A MILITARY MEMBER, TO  
6 REVISE PROVISIONS RELATING TO AN INDIVIDUAL WHO RECEIVES A SCHOLARSHIP,  
7 TO REVISE PROVISIONS RELATING TO EDUCATIONAL QUALIFICATIONS, TO REVISE  
8 TERMINOLOGY, TO REVISE PROVISIONS RELATING TO CERTAIN BENEFITS, TO RE-  
9 VISE PROVISIONS RELATING TO MEMBERS OF THE ARMED FORCES AND TO PROVIDE  
10 FOR RULES; AND AMENDING SECTION 33-4302A, IDAHO CODE, TO REVISE PRO-  
11 VISIONS RELATING TO SCHOLARSHIPS FOR THE SPOUSE OR CHILD OF A PUBLIC  
12 SAFETY OFFICER, TO ESTABLISH PROVISIONS RELATING TO THE ELIGIBILITY OF  
13 A CHILD OF A PUBLIC SAFETY OFFICER, TO ESTABLISH PROVISIONS RELATING TO  
14 THE ELIGIBILITY OF A SPOUSE OF A PUBLIC SAFETY OFFICER, TO REVISE PRO-  
15 VISIONS RELATING TO CERTAIN BENEFITS, TO PROVIDE FOR RULES, TO REVISE  
16 TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.  
17

18 Be It Enacted by the Legislature of the State of Idaho:

19 SECTION 1. That Section 33-4302, Idaho Code, be, and the same is hereby  
20 amended to read as follows:

21 33-4302. SCHOLARSHIPS -- STATE AID. (1) The following individuals  
22 shall be eligible for the scholarship program provided for herein:

23 (a) Any dependent spouse or child of any Idaho citizen who is a resident  
24 of the state of Idaho on or after the effective date of this act and who,  
25 while such person is or was a resident of the state of Idaho, has been de-  
26 termined by the federal government to be a prisoner of war or missing in  
27 action; or to have died of, or become totally and permanently disabled  
28 by, injuries or wounds sustained in action in southeast Asia, including  
29 Korea, or in Iraq or in Afghanistan or who shall become so hereafter, in  
30 any area of armed conflict in which the United States is a party; and

31 (b) Any dependent spouse or child of any member of the armed forces of  
32 the United States who is stationed in the state of Idaho on military or-  
33 ders and who is deployed from the state of Idaho to any area of armed  
34 conflict in which the United States is a party and who has been deter-  
35 mined by the federal government to be a prisoner of war or missing in ac-  
36 tion; or to have died of, or become totally and permanently disabled by,  
37 injuries or wounds sustained in action as a result of such deployment.  
38 Provided further, that such dependent must be a resident of the state of  
39 Idaho and must have completed secondary school or its equivalent in the  
40 state of Idaho.

41 (2) (a) To be eligible for the scholarship provided for herein, a child  
42 of a military member must be a resident of the state of Idaho and must

1        have completed secondary school or its equivalent in the state of Idaho.  
2        A child already born, or born after a military member is determined to  
3        be imprisoned or missing in action, or is killed or becomes totally and  
4        permanently disabled, shall be eligible for this scholarship;

5        (b) To be eligible for the scholarship provided for herein, the spouse  
6        of a military member must be a resident of the state of Idaho and must  
7        have been married to such person at the time the military member was de-  
8        termined to be imprisoned or missing in action, or was killed or became  
9        totally and permanently disabled. Provided however, that in the situa-  
10       tion of disability, the spouse must be currently married to such person.

11       (3) An eligible individual who applies for the scholarship provided for  
12       herein shall, after verification of eligibility, receive the scholarship  
13       and be admitted to attend undergraduate studies at any public institution  
14       of higher education or public professional-technical college within the  
15       state of Idaho without the necessity of paying tuition and fees therefor;  
16       such student shall be provided with books, equipment and supplies necessary  
17       for pursuit of such program of enrollment not to exceed five hundred dollars  
18       (\$500) per quarter, semester, intensified semester, or like educational  
19       period; such student shall be furnished on-campus housing and subsistence  
20       for each month he or she is enrolled full-time under this program and ac-  
21       tually resides in such on-campus facility; provided, however, that such  
22       undergraduate educational benefits shall not exceed a total of thirty-six  
23       (36) months or four (4) nine (9) month periods. Provided further, that the  
24       initiation of such educational benefits shall extend for a period of ten  
25       (10) years after achieving a high school diploma or its equivalency, or for a  
26       period of ten (10) years after the event giving rise to the eligibility for  
27       the scholarship, whichever is longer.

28       (34) The dependent eligible individual shall meet such other educa-  
29       tional qualifications as such institution of higher education or profes-  
30       sional-technical college has established for other prospective students  
31       of this state, as well as any additional educational qualifications estab-  
32       lished by the state board of education and board of regents of the university  
33       of Idaho.

34       (45) Application for eligibility under this section shall be made to  
35       the state board of education and the board of regents of the university of  
36       Idaho or the state board of vocational-technical education. The board shall  
37       verify the eligibility of the dependent applicant and communicate such el-  
38       igibility to the dependent such person and the affected institution or col-  
39       lege.

40       (56) Affected institutions shall in their preparation of future bud-  
41       gets include therein costs resultant from such tuition, fee, book, equip-  
42       ment, supply, housing and subsistence loss for reimbursement thereof from  
43       appropriations of state funds.

44       (7) For the purposes of this section, a member of the armed forces of  
45       the United States is considered totally and permanently disabled if he or  
46       she is unable to perform with reasonable continuity the material duties of  
47       any gainful occupation for which he or she is reasonably fitted by education,  
48       training and experience at the time of application a current disability de-  
49       termination made by the United States social security administration is in  
50       effect with respect to such individual.

1       ~~(6) Applicants for the scholarship program herein prescribed shall~~  
 2 ~~provide institutional administrative personnel with documentation of their~~  
 3 ~~rights under this act.~~

4       (8) The state board of education and board of regents of the university  
 5 of Idaho may adopt rules to implement and administer the scholarship program  
 6 provided for in this section.

7       SECTION 2. That Section 33-4302A, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9       33-4302A. PUBLIC SAFETY OFFICER ~~DEPENDENT~~ SCHOLARSHIPS -- STATE  
 10 AID. (1) Any ~~dependent~~ spouse or child of a full-time or part-time public  
 11 safety officer, as defined in subsection (56) of this section, employed by  
 12 or volunteering for the state of Idaho or for a political subdivision of the  
 13 state of Idaho, which public safety officer is or was a resident of the state  
 14 of Idaho at the time such officer was killed or totally and permanently dis-  
 15 abled in the line of duty shall be admitted to attend undergraduate studies  
 16 at any public institution of higher education or public professional-tech-  
 17 nical college within the state of Idaho without the necessity of paying  
 18 tuition and fees therefor. Said ~~dependents~~ persons shall be provided by the  
 19 institution or college with books, equipment and supplies necessary for pur-  
 20 suit of the ~~dependent's~~ person's chosen program of enrollment not to exceed  
 21 the actual cost therefor, or five hundred dollars (\$500), whichever is less,  
 22 per quarter, semester, intensified semester, or like education period. Said  
 23 ~~dependent~~ person shall be provided with the institution or college's pub-  
 24 lished normal on-campus residential facility housing and meals program for  
 25 each month the ~~dependent~~ person is enrolled full time under this statute and  
 26 continues to actually reside in such on-campus residential facility. Pro-  
 27 vided however, that the undergraduate educational benefits provided for in  
 28 this section shall not exceed a total of thirty-six (36) months or four (4)  
 29 nine-month periods; provided further, that such educational benefits shall  
 30 not extend beyond ten (10) years following the date the ~~dependent~~ person  
 31 receives a high school diploma, a high school equivalency diploma, a special  
 32 diploma or a certificate of high school completion, or beyond the date such  
 33 ~~dependent~~ person turns thirty (30) years old, whichever comes first.

34       (2) (a) To be eligible for the scholarship provided for herein, a child  
 35 of a public safety officer must be a resident of the state of Idaho and  
 36 must have completed a secondary school or its equivalent in the state of  
 37 Idaho. A child already born, or born after a public safety officer is  
 38 killed or becomes totally and permanently disabled, shall be eligible  
 39 for this scholarship.

40       (b) To be eligible for the scholarship provided for herein, the spouse  
 41 of a public safety officer must be a resident of the state of Idaho and  
 42 must have been married to such person at the time the public safety of-  
 43 ficer was killed or became totally and permanently disabled. Provided  
 44 however, that in the situation of disability, the spouse must be cur-  
 45 rently married to such person.

46       (3) The ~~dependent~~ eligible individual shall be required to meet the  
 47 educational qualifications as such institution of higher education or pro-  
 48 fessional-technical college as established for other prospective students  
 49 of this state, as well as any additional educational qualifications estab-

1 lished by the state board of education and board of regents of the university  
 2 of Idaho. Application for eligibility under this section shall be made  
 3 to the state board of education and board of regents of the ~~U~~university of  
 4 Idaho. The board shall verify the eligibility of ~~the dependent~~ such person  
 5 and communicate such eligibility to the ~~dependent person~~ and the affected  
 6 institution or college.

7 (34) Affected institutions and colleges shall, in their preparation  
 8 of future budgets, include therein costs resulting from such tuition, fees,  
 9 housing, meals, books, equipment and supplies for reimbursement thereof  
 10 from appropriations of state funds.

11 For the purposes of this section, a public safety officer employed by  
 12 or volunteering for the state of Idaho or for a political subdivision of the  
 13 state of Idaho is considered totally and permanently disabled if ~~he or she~~  
 14 ~~is unable to perform with reasonable continuity the material duties of any~~  
 15 ~~gainful occupation for which he or she is reasonably fitted by education,~~  
 16 ~~training and experience at the time of application~~ a current disability de-  
 17 termination made by the United States social security administration is in  
 18 effect with respect to such individual.

19 (45) The scholarships provided in this section shall be available for  
 20 ~~dependents~~ the spouse or children of public safety officers who were killed  
 21 or totally and permanently disabled in 1975 or thereafter.

22 (56) For purposes of this section:

23 (a) "Public safety officer" means a peace officer or firefighter, or  
 24 a paramedic, emergency medical technician or first responder as those  
 25 terms are defined in section 56-1012, Idaho Code.

26 (b) "Volunteering" means contributing services as a bona fide member of  
 27 a legally organized law enforcement agency, fire department or licensed  
 28 emergency medical service provider organization.

29 (67) The scholarship provided in this section shall not be available  
 30 unless it is determined that:

31 (a) The death or disablement of the public safety officer occurred in  
 32 the performance of the officer's duties;

33 (b) The death or disablement was not caused by the intentional miscon-  
 34 duct of the public safety officer or by such officer's intentional in-  
 35 fliction of injury; and

36 (c) The public safety officer was not voluntarily intoxicated at the  
 37 time of death.

38 (8) The state board of education and board of regents of the university  
 39 of Idaho may adopt rules to implement and administer this scholarship pro-  
 40 gram.