

IN THE SENATE

SENATE BILL NO. 1208

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO SPECIFY
2 THE TYPE OF HOUSING PROVIDED TO ELIGIBLE INDIVIDUALS, TO SPECIFY WHEN
3 A PUBLIC SAFETY OFFICER IS CONSIDERED TOTALLY AND PERMANENTLY DISABLED
4 FOR PURPOSES OF AN ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIP
5 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-4303, IDAHO
6 CODE, TO ADD PROVISIONS REGARDING THE INVESTMENT OF SURPLUS MONEYS
7 IN THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT; AND AMENDING SECTION
8 63-3067D, IDAHO CODE, TO PROVIDE CORRECT CODE CITATIONS.
9

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

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

13 33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS. (1) The
14 following individuals shall be eligible for the scholarship program pro-
15 vided for herein:

16 (a) Any spouse or child of any Idaho citizen who, while such person is or
17 was a resident of the state of Idaho, has been determined by the federal
18 government to be a prisoner of war or missing in action; or to have died
19 of, or become totally and permanently disabled by, injuries or wounds
20 sustained in action in any area of armed conflict in which the United
21 States is a party; and

22 (b) Any spouse or child of any member of the armed forces of the United
23 States who is stationed in the state of Idaho on military orders and
24 who is deployed from the state of Idaho to any area of armed conflict in
25 which the United States is a party and who has been determined by the
26 federal government to be a prisoner of war or missing in action; or to
27 have died of, or become totally and permanently disabled by, injuries or
28 wounds sustained in action as a result of such deployment.

29 (c) Any spouse or child of a full-time or part-time public safety of-
30 ficer, as defined in ~~subsection~~ paragraph (d) of this subsection, em-
31 ployed by or volunteering for the state of Idaho or for a political sub-
32 division of the state of Idaho, which public safety officer is or was a
33 resident of the state of Idaho at the time such officer was killed or to-
34 tally and permanently disabled in the line of duty. The death or dis-
35 ability shall have occurred on or after January 1, 1975. The scholar-
36 ship provided for in this section shall not be available unless it is de-
37 termined that:

38 (i) The death or disablement of the public safety officer oc-
39 curred in the performance of the officer's duties;

40 (ii) The death or disablement was not caused by the intentional
41 misconduct of the public safety officer or by such officer's in-
42 tentional infliction of injury; and

1 (iii) The public safety officer was not voluntarily intoxicated at
2 the time of death.

3 (d) For purposes of this section, the following terms have the follow-
4 ing meanings:

5 (i) "Public safety officer" means a peace officer or firefighter,
6 a paramedic or emergency medical technician as those terms are de-
7 fined in section 56-1012, Idaho Code.

8 (ii) "Volunteering" means contributing services as a bona fide
9 member of a legally organized law enforcement agency, fire depart-
10 ment or licensed emergency medical service provider organization.

11 (2) (a) To be eligible for the scholarship provided for herein, a child
12 of a military member or a public safety officer must be a resident of the
13 state of Idaho and must have completed secondary school or its equiva-
14 lent in the state of Idaho. A child already born, or born after a mil-
15 itary member or public safety officer is determined to be imprisoned or
16 missing in action, or is killed or becomes totally and permanently dis-
17 abled, shall be eligible for this scholarship;

18 (b) To be eligible for the scholarship provided for herein, the spouse
19 of a military member or public safety officer must be a resident of the
20 state of Idaho and must have been married to such person at the time the
21 military member or public safety officer was determined to be impris-
22 oned or missing in action, or was killed or became totally and perma-
23 nently disabled. Provided however, that in the situation of disabil-
24 ity, the spouse must be currently married to such person.

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

42 (4) The eligible individual shall meet such other educational quali-
43 fications as such institution of higher education or professional-techni-
44 cal college has established for other prospective students of this state, as
45 well as any additional educational qualifications established by the state
46 board of education and board of regents of the university of Idaho.

47 (5) Application for eligibility under this section shall be made to
48 the state board of education and the board of regents of the university of
49 Idaho or the state board of vocational-technical education. The board shall

1 verify the eligibility of the applicant and communicate such eligibility to
2 such person and the affected institution or college.

3 (6) Affected institutions shall in their preparation of future budgets
4 include therein costs resultant from such tuition, fee, book, equipment,
5 supply, housing and subsistence loss for reimbursement thereof from appro-
6 priations of state funds.

7 (7) For the purposes of this section, a member of the armed forces of the
8 United States is considered totally and permanently disabled if at the time
9 of application a current disability determination made by the United States
10 social security administration is in effect with respect to such individual.

11 (8) For the purposes of this section, a public safety officer is consid-
12 ered totally and permanently disabled if at the time of application a current
13 disability determination made by the public employee retirement system of
14 Idaho is in effect with respect to such individual.

15 (9) The state board of education and board of regents of the university
16 of Idaho may adopt rules to implement and administer the scholarship program
17 provided for in this section.

18 SECTION 2. That Section 33-4303, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 33-4303. IDAHO OPPORTUNITY SCHOLARSHIP. (1) The purposes of this sec-
21 tion are to:

22 (a) Recognize that all Idaho citizens benefit from an educated citi-
23 zenry;

24 (b) Increase individual economic vitality and improve the overall
25 quality of life for many of Idaho's citizens;

26 (c) Provide access to eligible Idaho postsecondary education through
27 funding to remove financial barriers;

28 (d) Increase the opportunity for economically disadvantaged Idaho stu-
29 dents; and

30 (e) Incentivize students to complete a postsecondary education degree
31 or certificate.

32 (2) For the purposes of this section, the following definitions shall
33 apply:

34 (a) "Educational costs" means the dollar amount determined annually
35 by the state board of education as necessary for student tuition, fees,
36 books and such other expenses reasonably related to attendance at an
37 eligible Idaho postsecondary educational institution.

38 (b) "Eligible Idaho postsecondary educational institution" means:
39 A a public postsecondary organization governed or supervised by the
40 state board, the board of regents of the university of Idaho, a board of
41 trustees of a community college established pursuant to the provisions
42 of chapter 21, title 33, Idaho Code, or the state board for profes-
43 sional-technical education or any educational organization located in
44 Idaho that is:

45 (i) Operated privately;

46 (ii) Classified as not-for-profit under state law;

47 (iii) Under the control of an independent board and not directly
48 controlled or administered by a public or political subdivision;

49 and

1 (iv) Accredited by an organization recognized by the state board
2 as provided in section 33-2402, Idaho Code.

3 (c) "Eligible student" means a student who:

4 (i) Is an Idaho resident as defined in section 33-3717B, Idaho
5 Code;

6 (ii) Has graduated or will graduate from an accredited high school
7 or its equivalent in Idaho as determined by the state board;

8 (iii) Has enrolled or applied to an eligible Idaho postsecondary
9 educational institution;

10 (iv) Is a postsecondary undergraduate student who has not pre-
11 viously completed a baccalaureate (bachelor's) degree or higher;
12 and

13 (v) Meets need and merit criteria as set by the state board.

14 "Eligible student" also means a student who has met the eligibility
15 requirements and was awarded an opportunity scholarship prior to June
16 30, 2014. Continued eligibility shall be based upon the eligibility
17 requirements at the time of the original award.

18 (d) "Opportunity scholarship program" means the scholarship program
19 described in this section and in the rules established by the state
20 board.

21 (e) "Shared model of responsibility" means a model set by the board to
22 determine the required and expected contributions of the student, the
23 student's family and available federal financial aid.

24 (f) "State board" means the state board of education.

25 (3) The state board shall promulgate rules to determine student eligi-
26 bility, academic and financial eligibility, a process for eligible students
27 to apply, amount of awards, how eligible students will be selected and when
28 the awards shall be made, as well as other rules necessary for the adminis-
29 tration of this section.

30 (4) An eligible student must:

31 (a) Apply or have applied for federal student financial assistance
32 available to an eligible student who will attend or is enrolled in an
33 eligible Idaho postsecondary educational institution; and

34 (b) Meet need and merit criteria established by the state board in rule.

35 (5) Funds that are available for the opportunity scholarship program
36 shall be used to provide scholarships based upon a shared model of respon-
37 sibility between the scholarship recipient and the recipient's family,
38 the federal government and the participating eligible Idaho postsecondary
39 educational institution that the recipient attends for covering the educa-
40 tional costs.

41 (6) The opportunity scholarship award shall not exceed the actual edu-
42 cational costs at the eligible Idaho postsecondary educational institution
43 that the student attends. The amount of scholarship shall not exceed the ed-
44 ucational costs established by the state board.

45 (7) Award payments shall be made annually to an eligible Idaho postsec-
46 ondary educational institution. In no instance may the entire amount of an
47 award be paid to or on behalf of such student in advance.

48 (8) If an eligible student becomes ineligible for a scholarship under
49 the provisions of this chapter, or if a student discontinues attendance be-
50 fore the end of any semester, quarter, term or equivalent, covered by the

1 award after receiving payment under this chapter, the eligible Idaho post-
2 secondary educational institution shall remit, up to the amount of any pay-
3 ments made under this program, any prorated tuition or fee balances to the
4 state board.

5 (9) There is hereby created an account in the state treasury to be des-
6 ignated the opportunity scholarship program account.

7 (a) The account shall consist of moneys appropriated to the account by
8 the legislature, moneys contributed to the account from other sources
9 and the earnings on such moneys. The executive director of the state
10 board may receive on behalf of the state board any moneys or real or per-
11 sonal property donated, bequeathed, devised or conditionally granted
12 to the state board for purposes of providing funding for such account.
13 Moneys received directly or derived from the sale of such property shall
14 be deposited by the state treasurer in the account.

15 (b) Earnings from moneys in the account or specified gifts shall be
16 distributed annually to the state board to implement the opportunity
17 scholarship program as provided for under the provisions of this chap-
18 ter.

19 (c) All moneys placed in the account and earnings thereon are hereby
20 perpetually appropriated to the state board for the purpose described
21 in subsection (9) (b) of this section. All expenditures from the account
22 shall be paid out in warrants drawn by the state controller upon presen-
23 tation of the proper vouchers. Up to fifty thousand dollars (\$50,000)
24 of the annual earnings distribution to the state board may be used by the
25 state board annually for administrative costs related to the implemen-
26 tation of the provisions of this chapter.

27 (d) Allowable administrative costs include, but are not limited to, op-
28 erating expenses for the implementation and maintenance of a database,
29 operating expenses to administer the program, personnel costs neces-
30 sary to administer the program and costs related to promoting awareness
31 of the program.

32 (e) Any unused annual funds shall be deposited into the opportunity
33 scholarship program account.

34 (f) Pending use, surplus moneys in the account shall be invested by the
35 state treasurer or endowment fund investment board in the same manner
36 as provided under section 67-1210 or 68-501, Idaho Code, as applicable.
37 Interest earned on the investments shall be returned to the account.

38 (10) The effectiveness of the Idaho opportunity scholarship will be
39 evaluated by the state board on a regular basis. This evaluation will in-
40 clude annual data collection as well as longer-term evaluations.

41 SECTION 3. That Section 63-3067D, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 63-3067D. DESIGNATION BY TAXPAYER -- OPPORTUNITY SCHOLAR-
44 SHIP. (1) Every taxpayer who has a refund due and payable for overpayment
45 of taxes under the provisions of this chapter may designate any portion of
46 such refund to be remitted to the state board of education or the board of
47 regents of the university of Idaho for the purpose of awarding opportunity
48 scholarships pursuant to chapter 56, title 33, Idaho Code. Every taxpayer
49 who has an income tax liability may, in addition to his tax obligation, in-

1 clude a donation of any amount to be remitted to the state board of education
2 for the purpose of awarding opportunity scholarships pursuant to ~~chapter~~
3 ~~56, title section 33-4303, Idaho Code.~~ Such moneys shall be deposited into
4 the opportunity scholarship program account pursuant to section 33-~~5608~~
5 4303, Idaho Code.

6 (2) A designation under subsection (1) of this section may be made in
7 any taxable year in such manner and form as prescribed by the state tax com-
8 mission. The manner and form so prescribed shall be a conspicuous portion of
9 the principal form provided for the purpose of individual taxation.

10 (3) Prior to the distribution of funds into the opportunity scholar-
11 ship program account as provided in subsection (1) of this section from the
12 refund account, the state tax commission shall retain funds for the commis-
13 sion's costs for collecting and administering the moneys in the account as
14 follows: three thousand dollars (\$3,000) from the opportunity scholarship
15 program account for start-up costs during the first year of collections, and
16 three thousand dollars (\$3,000) or twenty percent (20%) of the moneys remit-
17 ted to the opportunity scholarship program account pursuant to this section
18 during the fiscal year, whichever is less, from the opportunity scholarship
19 program account during each fiscal year thereafter, which amounts are hereby
20 appropriated to the state tax commission.