

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 461

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE  
2 ELIGIBILITY REQUIREMENTS FOR ARMED FORCES AND PUBLIC SAFETY OFFICER  
3 SCHOLARSHIPS, TO REMOVE OBSOLETE LANGUAGE, TO DEFINE TERMS, AND TO MAKE  
4 TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-  
5 FECTIVE DATE.  
6

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

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

10 33-4302. ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS.

11 (1) (a) The following individuals shall be eligible for the scholarship  
12 program provided for herein in this section:

13 (ai) Any spouse or child of any Idaho citizen who, while such per-  
14 son is or was a resident of the state of Idaho, :

15 1. Hhas been determined by the federal government to be a  
16 prisoner of war or missing in action; or to have

17 2. Ddied of, or has become totally and permanently disabled  
18 by, injuries or wounds sustained in action in any area of  
19 armed conflict in which the United States is a party; and  
20 during active duty or inactive duty training.

21 (bii) Any spouse or child of any member of the United States armed  
22 forces of the United States who is stationed in the state of Idaho  
23 on military orders and who:

24 1. Iis deployed from the state of Idaho to any area of armed  
25 conflict in which the United States is a party and who has  
26 been determined by the federal government to be a prisoner of  
27 war or missing in action; or to have died of, or become to-  
28 tally and permanently disabled by, injuries or wounds sus-  
29 tained in action as a result of such deployment; or

30 2. Dies of, or becomes totally and permanently disabled by,  
31 injuries or wounds sustained during active duty or inactive  
32 duty training.

33 (eiii) Any spouse or child of a full-time or part-time public  
34 safety officer, as defined in paragraph (db) of this subsection,  
35 employed by or volunteering for the state of Idaho or for a politi-  
36 cal subdivision of the state of Idaho, which public safety officer  
37 is or was a resident of the state of Idaho at the time such officer  
38 was killed or totally and permanently disabled in the line of duty.  
39 The death or disability shall have occurred on or after January 1,  
40 1975. The scholarship provided for in this section shall not be  
41 available unless it is determined that:

1           ~~(i)~~1. The death or disablement of the public safety officer  
2           occurred in the performance of the officer's duties;

3           ~~(ii)~~2. The death or disablement was not caused by the inten-  
4           tional misconduct of the public safety officer or by such of-  
5           ficer's intentional infliction of injury; and

6           ~~(iii)~~3. The public safety officer was not voluntarily in-  
7           toxicated at the time of death.

8           ~~(db) For purposes of~~ As used in this section, the following terms have  
9           the following meanings:

10           (i) "Active duty" means state active duty as defined in section  
11           46-409, Idaho Code, or full-time duty with any of the United States  
12           armed forces.

13           (ii) "Inactive duty training" means training or maintenance ac-  
14           tivities prescribed, required, or authorized for military members  
15           that do not constitute active duty.

16           (iii) "Military member" means a member of the United States armed  
17           forces.

18           (iv) "Public safety officer" means a peace officer, ~~or a fire-~~  
19           fighter, a paramedic as defined in section 56-1012, Idaho Code, or  
20           an emergency medical technician as ~~those terms are~~ defined in sec-  
21           tion 56-1012, Idaho Code.

22           (v) "United States armed forces" means the air force, army, coast  
23           guard, marine corps, navy, or space force, or the reserve compo-  
24           nent of any such service.

25           ~~(vi)~~ (vi) "Volunteering" means contributing services as a bona fide  
26           member of a legally organized law enforcement agency, fire depart-  
27           ment, or licensed emergency medical service provider organiza-  
28           tion.

29           (2) (a) To be eligible for the scholarship provided for ~~herein in this~~  
30           section, a child of a military member or a public safety officer must  
31           be a resident of the state of Idaho and must have completed secondary  
32           school or its equivalent in the state of Idaho. A child already born, or  
33           born after a military member or public safety officer is determined to  
34           be imprisoned or missing in action, or ~~is killed~~ dies or becomes totally  
35           and permanently disabled, shall be eligible for this scholarship.

36           (b) To be eligible for the scholarship provided for ~~herein in this sec-~~  
37           tion, the spouse of a military member or public safety officer must be a  
38           resident of the state of Idaho and must have been married to such person  
39           at the time the military member or public safety officer was determined  
40           to be imprisoned or missing in action, or ~~was killed~~ died or became to-  
41           tally and permanently disabled. ~~Provided h~~However, ~~that~~ in the situa-  
42           tion of disability, the spouse must be currently married to such person.

43           (3) An eligible individual who applies for the scholarship provided for  
44           ~~herein in this section~~ shall, after verification of eligibility, receive the  
45           scholarship and be admitted to attend undergraduate studies at any public  
46           institution of higher education or public ~~professional-~~ career technical  
47           college within the state of Idaho without the necessity of paying tuition  
48           and fees therefor; such student shall be provided with books, equipment, and  
49           supplies necessary for pursuit of such program of enrollment not to exceed  
50           five hundred dollars (\$500) per quarter, semester, intensified semester,

1 or like educational period; and such student shall be furnished on-campus  
2 institution housing and subsistence for each month he or she is enrolled  
3 full-time under this program and actually resides in such on-campus fa-  
4 cility; ~~provided however, that.~~ However, such undergraduate educational  
5 benefits shall not exceed a total of thirty-six (36) months or four (4) nine  
6 (9) month periods. ~~Provided further, that, and~~ the initiation of such educa-  
7 tional benefits shall extend for a period of ten (10) years after achieving a  
8 high school diploma or its equivalency, or for a period of ten (10) years af-  
9 ter the event giving rise to the eligibility for the scholarship, whichever  
10 is longer.

11 (4) The eligible individual shall meet such other educational quali-  
12 fications as such institution of higher education or ~~professional-~~ career  
13 technical college has established for other prospective students of this  
14 state, as well as any additional educational qualifications established by  
15 the state board of education and board of regents of the university of Idaho.

16 (5) Application for eligibility under this section shall be made to the  
17 state board of education and the board of regents of the university of Idaho  
18 or the state board of ~~vocational-~~ for career technical education. The board  
19 shall verify the eligibility of the applicant and communicate such eligibil-  
20 ity to such person and the affected institution or college.

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

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

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

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

37 SECTION 2. An emergency existing therefor, which emergency is hereby  
38 declared to exist, this act shall be in full force and effect on and after  
39 July 1, 2022.