

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 219, As Amended in the Senate

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE PROVISIONS REGARDING ARMED FORCES AND PUBLIC SAFETY OFFICER SCHOLARSHIPS; PROVIDING LEGISLATIVE INTENT; AND DECLARING AN EMERGENCY.

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

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

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

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

(i) Any spouse or child of any Idaho ~~citizen who~~, resident who entered active service as an Idaho resident as indicated on a DD form 214 certificate of release or discharge from active duty and, while such ~~person~~ service member is, or was if deceased, a resident of the state of Idaho:

1. Has been determined by the federal government to be a prisoner of war or missing in action; or

2. Died of, or ~~has become totally and permanently disabled by~~ is determined to be unemployable due to, injuries or wounds sustained during active duty or inactive duty training. ~~has;~~

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

1. Is deployed from the state of Idaho to any area of armed conflict in which the United States is a party and who has been determined by the federal government to be a prisoner of war or missing in action or has died of or ~~become totally and permanently disabled by~~ is determined to be unemployable due to injuries or wounds sustained in action as a result of such deployment; or

2. Dies of, or ~~becomes totally and permanently disabled by~~ is determined to be unemployable due to, injuries or wounds sustained during active duty or inactive duty training; and

(iii) Any spouse or child of a full-time or part-time public safety officer, as defined in paragraph (b) of this subsection, employed by or volunteering for the state of Idaho or for a political subdivision of the state of Idaho, which public safety officer is or was a resident of the state of Idaho at the time such officer was killed or totally and permanently disabled in the line of duty. The scholarship provided for in this section shall not be available unless it is determined that:

- 1 1. The death or disablement of the public safety officer oc-
- 2 curred in the performance of the officer's duties;
- 3 2. The death or disablement was not caused by the inten-
- 4 tional misconduct of the public safety officer or by such
- 5 officer's intentional infliction of injury; and
- 6 3. The public safety officer was not voluntarily intoxi-
- 7 cated at the time of death.

8 (b) As used in this section:

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

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

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

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

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

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

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

35 (b) To be eligible for the scholarship provided for in this section,
36 the spouse of a military member or public safety officer must be a res-
37 ident of the state of Idaho and must have been married to such person at
38 the time the military member or public safety officer was determined to
39 be imprisoned or missing in action or died or became totally and perma-
40 nently disabled. However, in the situation of disability, the spouse
41 must be currently married to such person.

42 (3) An eligible individual who applies for the scholarship provided
43 for in this section shall, after verification of eligibility, receive the
44 scholarship and be admitted to attend undergraduate studies at any public
45 institution of higher education or public career technical college within
46 the state of Idaho without the necessity of paying tuition and fees therefor;
47 such student shall be provided with books, equipment, and supplies neces-
48 sary for pursuit of such program of enrollment not to exceed ~~five hundred~~
49 dollars ~~(\$500)~~ seven hundred fifty dollars (\$750) per quarter, semester,
50 intensified semester, or like educational period; and such student shall

1 be furnished on-campus institution housing and subsistence for each month
 2 he or she is enrolled full-time under this program and actually resides in
 3 such on-campus facility. However, such undergraduate educational benefits
 4 shall not exceed a total of thirty-six (36) months or four (4) nine (9) month
 5 periods, ~~and the~~. Effective July 1, 2022, the initiation of such educational
 6 benefits shall extend for a period of ~~ten (10)~~ nineteen (19) years after
 7 achieving a high school diploma or its equivalency or for a period of ten (10)
 8 years after the event giving rise to the eligibility for the scholarship,
 9 whichever is longer.

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

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

20 (6) Affected institutions shall in their preparation of future budgets
 21 include costs resultant from such tuition, fee, book, equipment, supply,
 22 housing and subsistence loss for reimbursement from appropriations of state
 23 funds.

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

29 (a) The United States department of veterans affairs has made a deter-
 30 mination of individual unemployability; or

31 (b) The United States social security administration has made or recog-
 32 nized a determination of total and permanent disability, and the deter-
 33 mination is based on injuries or wounds sustained during active duty or
 34 inactive duty training.

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

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

42 SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature that
 43 a person who was ineligible for the scholarship provided in Section 33-4302,
 44 Idaho Code, prior to the effective date of this act, but who is eligible based
 45 on the amendments to Section 33-4302(3), Idaho Code, provided in this act,
 46 shall be eligible for the scholarship and may apply for it.

47 SECTION 3. An emergency existing therefor, which emergency is hereby
 48 declared to exist, this act shall be in full force and effect on and after its
 49 passage and approval.