

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2210

AN ACT

REPEALING SECTION 15-1808, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 15-1808; RELATING TO TUITION SCHOLARSHIPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 15-1808, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 15, chapter 14, article 1, Arizona Revised Statutes, is
5 amended by adding a new section 15-1808, to read:

6 15-1808. Tuition waiver scholarships; transfer of education
7 benefits to child or spouse of critical incident
8 personnel killed or disabled in the line of duty;
9 definitions

10 A. THE ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE DISTRICT SHALL
11 AWARD A TUITION WAIVER SCHOLARSHIP AS PRESCRIBED IN THIS SECTION AND SHALL
12 ALLOW THE TRANSFER OF EDUCATIONAL BENEFITS AS PRESCRIBED IN THIS SECTION. A
13 TUITION WAIVER SCHOLARSHIP AWARDED PURSUANT TO THIS SECTION SHALL BE LIMITED
14 FOR A SPOUSE OR A CHILD TO NO MORE THAN SIXTY-FOUR CREDIT HOURS AT ARIZONA
15 COMMUNITY COLLEGES AND A TOTAL NUMBER OF CREDITS INCLUDING ANY TRANSFER
16 CREDITS FROM AN ARIZONA COMMUNITY COLLEGE EQUAL TO THE NUMBER OF CREDITS
17 REQUIRED FOR A BACCALAUREATE DEGREE AT ARIZONA UNIVERSITIES FOR THAT
18 STUDENT'S INITIALLY DECLARED COURSE OF STUDY.

19 B. A TUITION WAIVER SCHOLARSHIP SHALL BE AWARDED PURSUANT TO THIS
20 SECTION TO THE FOLLOWING PERSONS:

21 1. A CHILD WHO IS A DEPENDENT OF A CRITICAL INCIDENT PERSONNEL IF THE
22 CHILD MEETS ALL OF THE FOLLOWING QUALIFICATIONS:

23 (a) IS A RESIDENT OF THIS STATE.

24 (b) IS THIRTY YEARS OF AGE OR YOUNGER.

25 (c) OTHERWISE QUALIFIES FOR ADMISSION TO THE UNIVERSITY OR COMMUNITY
26 COLLEGE.

27 (d) THE ARIZONA BOARD OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT
28 RECEIVES VERIFICATION FROM ONE OF THE FOLLOWING THAT THE PERSON IS THE CHILD
29 OF A CRITICAL INCIDENT PERSONNEL WHO WAS KILLED IN THE LINE OF DUTY OR WHO
30 DIED FROM INJURIES SUFFERED IN THE LINE OF DUTY WHILE TRAVELING TO OR FROM
31 DUTY:

32 (i) THE ARIZONA PEACE OFFICERS MEMORIAL BOARD.

33 (ii) THE ARIZONA FIRE FIGHTERS AND EMERGENCY PARAMEDICS MEMORIAL
34 BOARD.

35 (iii) THE ADJUTANT GENERAL OF THE NATIONAL GUARD.

36 (iv) THE ARIZONA DEPARTMENT OF VETERANS' SERVICES.

37 2. THE SPOUSE, WIDOW OR WIDOWER OF A CRITICAL INCIDENT PERSONNEL IF
38 THE SPOUSE, WIDOW OR WIDOWER MEETS ALL OF THE FOLLOWING QUALIFICATIONS:

39 (a) IS A RESIDENT OF THIS STATE.

40 (b) HAS NOT REMARRIED.

41 (c) OTHERWISE QUALIFIES FOR ADMISSION TO THE UNIVERSITY OR COMMUNITY
42 COLLEGE.

43 (d) THE ARIZONA BOARD OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT
44 RECEIVES VERIFICATION FROM ONE OF THE FOLLOWING THAT THE PERSON IS THE
45 SPOUSE, WIDOW OR WIDOWER OF A CRITICAL INCIDENT PERSONNEL WHO WAS KILLED IN

1 THE LINE OF DUTY OR WHO DIED FROM INJURIES SUFFERED IN THE LINE OF DUTY WHILE
2 TRAVELING TO OR FROM DUTY:

3 (i) THE ARIZONA PEACE OFFICERS MEMORIAL BOARD.

4 (ii) THE ARIZONA FIRE FIGHTERS AND EMERGENCY PARAMEDICS MEMORIAL
5 BOARD.

6 (iii) THE ADJUTANT GENERAL OF THE NATIONAL GUARD.

7 (iv) THE ARIZONA DEPARTMENT OF VETERANS' SERVICES.

8 3. A MEMBER OF THE ARIZONA NATIONAL GUARD WHO BOTH:

9 (a) IS A RESIDENT OF THIS STATE.

10 (b) RECEIVED A PURPLE HEART CITATION ON OR AFTER SEPTEMBER 11, 2001.

11 4. A FORMER MEMBER OF THE ARIZONA NATIONAL GUARD WHO WAS MEDICALLY
12 DISCHARGED FROM THE ARIZONA NATIONAL GUARD DUE TO AN INJURY OR DISABILITY
13 SUFFERED DURING ANY OF THE FOLLOWING:

14 (a) STATUS UNDER TITLE 10 OF THE UNITED STATES CODE.

15 (b) IN WEEKEND TRAINING STATUS.

16 (c) IN ANNUAL TRAINING STATUS OR IN RESPONSE TO A STATE OF EMERGENCY
17 DECLARED BY THE GOVERNOR.

18 5. A MEMBER OF A MILITARY RESERVE UNIT OF ANY BRANCH OF THE UNITED
19 STATES ARMED FORCES WHO BOTH:

20 (a) IS A RESIDENT OF THIS STATE.

21 (b) RECEIVED A PURPLE HEART CITATION ON OR AFTER SEPTEMBER 11, 2001.

22 6. A FORMER MEMBER OF A MILITARY RESERVE UNIT OF ANY BRANCH OF THE
23 UNITED STATES ARMED FORCES WHO BOTH:

24 (a) IS A RESIDENT OF THIS STATE.

25 (b) EITHER:

26 (i) RECEIVED A PURPLE HEART CITATION ON OR AFTER SEPTEMBER 11, 2001.

27 (ii) WAS MEDICALLY DISCHARGED FROM THE MILITARY RESERVE UNIT DUE TO AN
28 INJURY OR DISABILITY SUFFERED DURING STATUS UNDER TITLE 10 OF THE UNITED
29 STATES CODE, IN WEEKEND TRAINING STATUS, IN ANNUAL TRAINING STATUS OR IN
30 RESPONSE TO A STATE OF EMERGENCY DECLARED BY THE GOVERNOR.

31 C. TO THE EXTENT PERMITTED BY FEDERAL LAW, ANY ACTIVE MEMBER OF THE
32 ARMED FORCES OR ANY DISCHARGED VETERAN WHO IS ENTITLED TO ANY EDUCATIONAL
33 BENEFIT PURSUANT TO THIS SECTION OR THIS CHAPTER MAY TRANSFER THAT
34 EDUCATIONAL BENEFIT TO THAT PERSON'S SPOUSE OR CHILD WHO IS A DEPENDENT IF
35 ALL OF THE FOLLOWING CONDITIONS ARE MET:

36 1. THE ARIZONA BOARD OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT
37 RECEIVES WRITTEN DOCUMENTATION THAT THE ACTIVE MEMBER OF THE ARMED FORCES OR
38 THE DISCHARGED VETERAN DOES NOT INTEND TO USE OR IS UNABLE TO USE THE
39 EDUCATIONAL BENEFIT.

40 2. IF THE ACTIVE MEMBER OF THE ARMED FORCES OR THE DISCHARGED VETERAN
41 HAS THE CAPACITY TO CONSENT, PROOF IS PROVIDED TO THE ARIZONA BOARD OF
42 REGENTS OR THE COMMUNITY COLLEGE DISTRICT OF THE ACTIVE MEMBER'S OR
43 DISCHARGED VETERAN'S CONSENT TO THE USE OF THE EDUCATIONAL BENEFIT BY THAT
44 PERSON'S SPOUSE OR CHILD.

1 3. IF THE ACTIVE MEMBER OF THE ARMED FORCES OR THE DISCHARGED VETERAN
2 DOES NOT HAVE THE CAPACITY TO CONSENT, PROOF IS PROVIDED TO THE ARIZONA BOARD
3 OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT OF THE ACTIVE MEMBER'S OR
4 DISCHARGED VETERAN'S INCAPACITY TO CONSENT. THIS DOCUMENTATION IS SUFFICIENT
5 TO ALLOW THE TRANSFER OF THE EDUCATIONAL BENEFIT TO THAT PERSON'S SPOUSE OR
6 CHILD.

7 4. IF THE PROPOSED TRANSFEREE IS A WIDOW OR WIDOWER OF AN ARMED FORCES
8 MEMBER WHO WAS KILLED IN COMBAT, THE WIDOW OR WIDOWER HAS NOT REMARRIED.

9 D. FOLLOWING THE TRANSFER OF THE EDUCATIONAL BENEFIT TO A SPOUSE, IN
10 THE CASE OF A DIVORCE, THE PERSON WHO ORIGINALLY RECEIVED THE BENEFIT BASED
11 ON THEIR SERVICE, OR IN THE CASE OF AN INCAPACITATED PERSON, THE COURT MAY
12 SUBMIT TO THE EDUCATIONAL INSTITUTION AN OFFICIAL COURT DOCUMENT OR DIVORCE
13 DECREE STATING THAT THE TRANSFER TO THE SPOUSE IS NO LONGER VALID. ONLY THE
14 PORTION OF THE BENEFIT THAT HAS NOT BEEN UTILIZED IS AVAILABLE TO BE RETURNED
15 TO THE MEMBER WHO ORIGINALLY RECEIVED THE BENEFIT.

16 E. FOR THE PURPOSES OF THIS SECTION:

17 1. "ACTIVE MEMBER OF THE ARMED FORCES" MEANS A PERSON WHO IS ON ACTIVE
18 DUTY IN ANY BRANCH OF THE MILITARY ESTABLISHMENT OF THE UNITED STATES,
19 INCLUDING MEMBERS OF THE ARIZONA NATIONAL GUARD AND MEMBERS OF MILITARY
20 RESERVE UNITS OF ANY BRANCH OF THE UNITED STATES ARMED FORCES.

21 2. "CORRECTIONAL OFFICER" MEANS A PERSON, OTHER THAN AN ELECTED
22 OFFICIAL, WHO IS EMPLOYED BY THIS STATE OR A COUNTY, CITY OR TOWN AND WHO IS
23 RESPONSIBLE FOR THE SUPERVISION, PROTECTION, CARE, CUSTODY OR CONTROL OF
24 INMATES IN A STATE, COUNTY OR MUNICIPAL CORRECTIONAL INSTITUTION, INCLUDING
25 COUNSELORS BUT EXCLUDING SECRETARIAL, CLERICAL AND PROFESSIONALLY TRAINED
26 PERSONNEL.

27 3. "CRITICAL INCIDENT PERSONNEL" MEANS AN ACTIVE MEMBER OF THE ARMED
28 FORCES, A CORRECTIONAL OFFICER, A DISCHARGED VETERAN, AN EMERGENCY PARAMEDIC,
29 A FIREFIGHTER OR A PEACE OFFICER.

30 4. "DEPENDENT" HAS THE SAME MEANING PRESCRIBED IN SECTION 43-1001,
31 EXCEPT THAT FOR THE PURPOSES OF THIS SECTION DEPENDENT DOES NOT INCLUDE ANY
32 PERSON WHO IS THIRTY-ONE YEARS OF AGE OR OLDER.

33 5. "DISCHARGED VETERAN" MEANS A PERSON WHO HAS RECEIVED AN HONORABLE
34 OR GENERAL DISCHARGE UNDER HONORABLE CONDITIONS FROM ANY BRANCH OF THE UNITED
35 STATES ARMED FORCES, INCLUDING FORMER MEMBERS OF THE ARIZONA NATIONAL GUARD
36 OR MILITARY RESERVE UNITS OF ANY BRANCH OF THE UNITED STATES ARMED FORCES.

37 6. "EMERGENCY PARAMEDIC" MEANS A PERSON WHO HAS BEEN TRAINED IN AN
38 EMERGENCY PARAMEDIC TRAINING PROGRAM CERTIFIED BY THE DIRECTOR OF THE
39 DEPARTMENT OF HEALTH SERVICES OR IN AN EQUIVALENT TRAINING PROGRAM AND WHO IS
40 CERTIFIED BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES TO RENDER
41 SERVICES PURSUANT TO SECTION 36-2205.

42 7. "FIREFIGHTER" MEANS A PROFESSIONAL FIREFIGHTER WHO IS A MEMBER OF A
43 STATE, FEDERAL, TRIBAL, CITY, COUNTY, DISTRICT OR PRIVATE FIRE DEPARTMENT.

1 8. "PEACE OFFICER" MEANS A COUNTY SHERIFF, A CONSTABLE, A MARSHAL, A
2 POLICE OFFICER OF A CITY OR TOWN, COMMISSIONED PERSONNEL OF THE DEPARTMENT OF
3 PUBLIC SAFETY AND A POLICE OFFICER APPOINTED BY A COMMUNITY COLLEGE DISTRICT
4 GOVERNING BOARD OR THE ARIZONA BOARD OF REGENTS WHO HAS RECEIVED A
5 CERTIFICATE FROM THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD, AND
6 ANY OTHER STATE, FEDERAL, TRIBAL, CITY OR COUNTY OFFICER VESTED BY LAW WITH A
7 DUTY TO MAINTAIN PUBLIC ORDER AND MAKE ARRESTS.