

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2059

AN ACT

AMENDING SECTIONS 41-603, 41-604, 41-611 AND 41-1512.01, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF VETERANS' SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-603, Arizona Revised Statutes, is amended to
3 read:

4 41-603. Powers and duties

5 A. The department may act as guardian of an incapacitated veteran, the
6 incapacitated spouse of a veteran or minor children of a veteran, or as
7 conservator of the estate of a protected veteran or of the veteran's
8 incapacitated or surviving spouse or of the minor children of a veteran. The
9 department may act in all fiduciary matters, including as power of attorney,
10 trustee, custodian or representative payee of a veteran, spouse of a veteran
11 or minor child of a veteran. The department may act as the personal
12 representative of the estate of a deceased veteran, deceased spouse of a
13 veteran or deceased child of a veteran.

14 B. The department shall:

15 1. Assist veterans and their families and dependents in presenting,
16 providing and establishing claims, privileges, rights and benefits they may
17 have under federal, state or local law.

18 2. Inform veterans and their families and dependents and military and
19 civilian authorities about federal, state and local laws enacted to benefit
20 veterans and their families and dependents and members of the armed forces.

21 3. Collect information relating to services and facilities available
22 to veterans.

23 4. Cooperate with all government and private agencies receiving
24 services for or benefits to veterans and their families and dependents.

25 5. Conduct administrative reviews and, if possible, correct abuses or
26 prevent exploitation of veterans and their families or dependents and
27 recommend corrective legislation.

28 6. Adopt rules deemed necessary to administer this article.

29 7. Enter into agreements with veterans' organizations in this state
30 holding a charter granted by the Congress of the United States for the
31 beneficial interest of veterans.

32 8. Verify and provide written confirmation to the person of
33 eligibility for special license plates issued pursuant to section 28-2455 by
34 determining that all of the following are true:

35 (a) The person was a member of the United States armed forces on
36 December 7, 1941.

37 (b) The person received an honorable discharge from the United States
38 armed forces.

39 (c) The person was on station on December 7, 1941, during the hours of
40 7:55 a.m. to 9:45 a.m., Hawaii time at Pearl Harbor, the Island of Oahu or
41 offshore, at a distance not exceeding three miles.

42 9. Evaluate, supervise, approve and disapprove programs offered by
43 educational institutions and training establishments pursuant to United
44 States Code titles 10 and 38 and state rules, so that veterans and their

1 dependents may draw the educational allowance provided by federal law while
2 pursuing approved programs.

3 10. Approve or disapprove veterans' organizations seeking to solicit
4 money or other support in this state in the name of American veterans.

5 C. The department may:

6 1. Acquire property for and construct and operate a veterans' home
7 facility in southern Arizona.

8 ~~D. 2. The department may~~ Acquire property for and establish and
9 operate cemeteries for veterans in this state.

10 3. ACQUIRE REAL ESTATE, PROPERTY RIGHTS AND RELATED INFRASTRUCTURE
11 PURSUANT TO SECTION 41-1512.01, SUBSECTION G FOR PRESERVING OR ENHANCING
12 MILITARY INSTALLATIONS IN THIS STATE.

13 4. ESTABLISH A TRAINING CENTER TO PROVIDE TRAINING TO CURRENT OR
14 POTENTIAL EMPLOYEES AND THE VETERAN COMMUNITY. THE DEPARTMENT MAY ESTABLISH
15 A FEE FOR THIS TRAINING.

16 Sec. 2. Section 41-604, Arizona Revised Statutes, is amended to read:

17 ~~41-604.~~ Director of veterans' services; compensation

18 A. The governor shall appoint the director pursuant to section 38-211.
19 The director shall be a veteran.

20 B. The director shall inform the commission regarding the policies
21 adopted by the department under this article.

22 C. The director may appoint a deputy director with the approval of the
23 governor. The deputy director serves at the pleasure of the director. The
24 deputy director is directly responsible for the duties delegated to the
25 deputy director by the director.

26 D. The director and deputy director are eligible to receive
27 compensation pursuant to section 38-611.

28 E. The director may appoint advisory committees as the director deems
29 necessary. Members of advisory committees are not entitled to compensation
30 but are eligible for reimbursement of expenses pursuant to title 38, chapter
31 4, article 2.

32 F. THE DIRECTOR MAY CONTRACT WITH A NONPROFIT ORGANIZATION TO WORK ON
33 ISSUES RELATING TO WOMEN VETERANS.

34 Sec. 3. Section 41-611, Arizona Revised Statutes, is amended to read:

35 ~~41-611.~~ Veterans' deferment of tuition payment, required books
36 and materials; period; promissory note

37 A. ON REGISTRATION AT A STATE SUPPORTED COMMUNITY COLLEGE, COLLEGE OR
38 UNIVERSITY, any person who ~~has a valid certificate of eligibility and has
39 applied for benefits under the veterans' readjustment assistance act~~ IS
40 ELIGIBLE FOR AND HAS APPLIED FOR BENEFITS for education UNDER THE MONTGOMERY
41 GI BILL (38 UNITED STATES CODE CHAPTER 30 OR 32; 10 UNITED STATES CODE
42 CHAPTER 1606) may, ~~upon registration at a state supported community college,
43 college or university,~~ apply for a deferment of payment of tuition, fees and
44 required books and materials for a period not to exceed one hundred twenty
45 days. ~~Such~~ THE community college, college or university shall defer ~~such~~

1 payment for ~~such~~ THAT period ~~upon~~ ON receipt of a signed and acknowledged
2 promissory note for the amount of ~~such~~ THE tuition, fees and required books
3 and materials, with no interest charge, that is due and payable at the end of
4 ~~such~~ THE DEFERRAL period. THIS DEFERMENT IS AVAILABLE DURING ANY
5 REGISTRATION IN WHICH A VETERAN IS AWAITING MONTGOMERY GI BILL BENEFITS.

6 B. If at the end of ~~such~~ THE DEFERRAL period the person has not yet
7 received from the veterans administration the initial benefit monies for
8 tuition and fees, ~~he~~ THE PERSON may be granted an extension until such time
9 as ~~such~~ THE benefits are received.

10 C. In situations where deferred payments are granted, the community
11 college, college or university shall not release the person's grades or
12 transfer credits until such time as the debt is satisfied.

13 Sec. 4. Section 41-1512.01, Arizona Revised Statutes, is amended to
14 read:

15 41-1512.01. Military installation fund; report; definition

16 A. The military installation fund is established consisting of
17 revenues made available to the fund from any lawful source. The department
18 of commerce shall administer the fund. On notice from the department, the
19 state treasurer shall invest and divest monies in the fund as provided by
20 section 35-313, and monies earned from investment shall be credited to the
21 fund. The fund is exempt from the provisions of section 35-190 relating to
22 lapsing of appropriations.

23 B. Monies in the fund are continuously appropriated for the purposes
24 of this section.

25 C. The department, in conjunction with the military affairs commission
26 established by section 41-1512, shall adopt by rule procedures for receiving
27 and evaluating applications. If applications for monies exceed the amount
28 available in the fund, the department may request applicants to reduce the
29 amount of the applications or deny or award reduced amounts.

30 D. The department shall receive each application for fund monies and
31 shall forward each application to the military affairs commission. The
32 military affairs commission shall review each application and recommend to
33 the department both of the following:

34 1. Each applicant that should be awarded monies from the fund.

35 2. The dollar amount that each applicant listed pursuant to paragraph
36 1 of this subsection should be awarded from the fund.

37 E. The department shall consider the military affairs commission's
38 recommendations and shall decide how the monies in the fund shall be awarded
39 among the applicants. The department, after reviewing the recommendations by
40 the military affairs commission, shall make the monies in the fund available
41 for the purpose of military installation preservation and enhancement
42 projects. Except as provided in subsection F of this section, after the
43 department makes an award decision the department shall award the monies.

44 F. If the department does not comply with the military affairs
45 commission's recommendation for the awards, within five days after the

1 department's decision the department shall report in writing to the president
2 of the senate, the speaker of the house of representatives and the
3 governor. The report shall include the award decision of the department and
4 the recommendation of the military affairs commission. The department shall
5 not distribute monies from the fund to the applicants for at least sixty days
6 after the report is received.

7 G. The department OF COMMERCE shall award:

8 1. Eighty per cent of the monies in the fund TO THE DEPARTMENT OF
9 VETERANS' SERVICES for the following purposes, except that up to twenty per
10 cent of this amount may be awarded to cities, towns and counties for the
11 purpose of acquiring private land for the purposes prescribed in paragraph 2
12 of this subsection:

13 (a) Acquisition of private property for the purpose of preserving a
14 military installation.

15 (b) Acquisition of real estate and rights to real estate and otherwise
16 preserving real estate from development or mitigating impacts on development
17 in high noise or accident potential zones as defined in section 28-8461 and
18 in areas as required to support a military installation.

19 (c) Acquisition of real estate, property rights and related
20 infrastructure that is vital to the preservation or enhancement of a military
21 installation.

22 2. Twenty per cent of the monies in the fund to cities, towns and
23 counties for military installation preservation and enhancement projects.

24 H. The legislature shall review the distribution formula prescribed in
25 subsection G of this section at least once every four years.

26 I. Monies in the fund may be awarded for debt service on bonds issued
27 by a political subdivision for the purpose of acquisition of private property
28 for the purpose of preserving a military airport or ancillary military
29 facility as defined in section 28-8461 if the land acquisition occurs after
30 December 31, 2004.

31 J. The department shall annually report the awards made pursuant to
32 this section. The report shall be in writing and shall be sent to the
33 president of the senate, the speaker of the house of representatives and the
34 governor.

35 K. For the purposes of this section, "military installation" has the
36 same meaning prescribed in section 41-1512.