

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1373

AN ACT

AMENDING SECTIONS 23-775, 28-2409 AND 41-608.04, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-609; AMENDING SECTION 41-611, ARIZONA REVISED STATUTES; AMENDING LAWS 2010, CHAPTER 254, SECTION 2; RELATING TO MILITARY SERVICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 23-775, Arizona Revised Statutes, is amended to
3 read:

4 23-775. Disqualification from benefits

5 An individual shall be disqualified for benefits:

6 1. For the week in which the individual has left work voluntarily
7 without good cause in connection with the employment, and in addition to the
8 waiting week, for the duration of the individual's unemployment and until the
9 individual has earned wages in an amount equivalent to five times the
10 individual's weekly benefit amount otherwise payable. If a person leaves
11 because of transportation difficulties, the individual shall be disqualified
12 unless the individual can show the individual's travel requirements are in
13 excess of the normal practice in the individual's occupation and past
14 practice or that the individual has compelling personal circumstances
15 requiring the individual's leaving. Compelling personal circumstances shall
16 include but are not limited to a showing of any of the following:

17 (a) Over thirty miles distance from the individual's home to work.

18 (b) More than one and one-half hours to reach work.

19 (c) **A SPOUSE OR UNEMANCIPATED MINOR LEAVING WORK TO ACCOMPANY THE**
20 **OTHER SPOUSE OR A PARENT WHO IS A MEMBER OF THE ARMED SERVICES AND WHO IS**
21 **TRANSFERRED TO ANOTHER LOCALITY AS A RESULT OF OFFICIAL ORDERS.**

22 2. For the week in which the individual has been discharged for wilful
23 or negligent misconduct connected with the employment, and in addition to the
24 waiting week, for the duration of the individual's unemployment and until the
25 individual has earned wages in an amount equivalent to five times the
26 individual's weekly benefit amount otherwise payable.

27 3. For any week with respect to which or a part of which the
28 individual has received or is seeking unemployment benefits under an
29 unemployment compensation law of another state or of the United States, but
30 if the appropriate agency of the other state or of the United States finally
31 determines that the individual is not entitled to unemployment benefits, the
32 ineligibility shall not apply.

33 4. For the week in which the individual becomes unemployed and for not
34 more than the following three weeks, if the individual's unemployment is due
35 solely to a customary suspension of all operations, except maintenance work,
36 at the factory, plant or other premises at which the individual was last
37 employed, which will not occur more than once in a calendar year and will not
38 exceed four consecutive weeks' duration, and the employment will again be
39 available to the individual on resumption of operations. For the purposes of
40 this paragraph:

41 (a) "Customary suspension" means a suspension that has occurred for
42 the same or similar reasons in each of three consecutive years or more,
43 including the year in question, regardless of whether the suspension in any
44 previous year would have satisfied the requirements of this paragraph. A
45 suspension provided for by an agreement to which the employer is a party

1 shall be considered customary unless the agreement specifies the exact time,
2 duration, type and circumstances of the suspension. Any suspension whose
3 details are determined by the employer shall be considered customary,
4 regardless of the employer's ultimate reason for imposing it, as long as the
5 employer's reason or reasons are the same or similar over the necessary
6 period.

7 (b) "Factory, plant or other premises" means any location or premises
8 or portion of locations or premises of the employer where the work or
9 operations are separate and distinct from those at other locations or
10 premises or portions of locations or premises, regardless of geographic
11 proximity or functional, geographic or administrative integration of the work
12 or operations.

13 (c) "Maintenance work" has its usual meaning and includes any
14 administrative, executive, clerical or supervisory work or any other work
15 necessary to keep the factory, plant or other premises in a position to
16 resume full operations promptly at the end of the suspension or necessary to
17 pay, supervise or otherwise support individuals performing such work.

18 5. For any week in which the individual is incarcerated.

19 Sec. 2. Section 28-2409, Arizona Revised Statutes, is amended to read:

20 28-2409. International symbol of access special plates;
21 placard; definitions

22 A. The department shall issue special plates bearing the international
23 symbol of access to either:

24 1. A person who is permanently physically disabled and who is an owner
25 or lessee of a motor vehicle.

26 2. An organization that owns or leases a motor vehicle that primarily
27 transports physically disabled persons.

28 B. A permanently disabled special plate issued under this section is
29 valid for as long as the person to whom the plate is issued qualifies for
30 issuance under this section.

31 C. A person who is permanently physically disabled may obtain, if
32 qualified, a permanently disabled removable windshield placard. A person who
33 is temporarily physically disabled may obtain, if qualified, a temporarily
34 disabled removable windshield placard. An organization that primarily
35 transports physically disabled persons may obtain, if qualified, a placard
36 for each of the qualified vehicles. The department shall issue only one
37 valid placard to a temporarily or permanently physically disabled applicant,
38 except to replace a lost, stolen or mutilated placard or if the department
39 determines, on receiving the applicant's written request, that the needs of
40 the applicant are such that two valid placards are required. The department
41 shall issue a placard pursuant to this section at no additional charge.

42 D. A permanently disabled removable windshield placard issued or
43 renewed under this section is valid for five years. A temporarily disabled
44 removable windshield placard issued or renewed under this section is valid
45 for a period of time as determined by the department. A person who desires

1 to obtain a temporarily disabled removable windshield placard for an
2 additional period of time shall submit a new application.

3 E. A person or organization that desires to obtain a permanently
4 disabled or temporarily disabled removable windshield placard or
5 international symbol of access special plates shall submit an application to
6 the department on a form furnished by the department that contains one of the
7 following:

8 1. If a permanently or temporarily disabled person, a **MEDICAL**
9 certificate completed by a hospital administrator, an authorized physician or
10 a registered nurse practitioner that certifies that the applicant is
11 physically disabled.

12 2. **IF A DISABLED PERSON WHO IS A VETERAN AND WHO IS ONE HUNDRED PER**
13 **CENT DISABLED, A COPY OF THE PERSON'S CERTIFICATE OF ONE HUNDRED PER CENT**
14 **DISABILITY ISSUED BY THE UNITED STATES VETERANS ADMINISTRATION.**

15 ~~2.~~ 3. If an organization, a signed statement by an authorized officer
16 of the organization affirming that the registered vehicle that is owned or
17 leased by the organization and that will display the placard or the
18 international symbol of access special plates primarily transports physically
19 disabled persons.

20 F. On receipt of the application containing the medical certificate,
21 **THE CERTIFICATE OF ONE HUNDRED PER CENT DISABILITY ISSUED BY THE UNITED**
22 **STATES VETERANS ADMINISTRATION** or signed statement, if the department finds
23 that the applicant qualifies for the parking privileges pursuant to
24 chapter 3, article 14 of this title, the department shall issue the placard
25 or international symbol of access special plates.

26 G. A person or an organization desiring to renew a permanently
27 disabled removable windshield placard shall submit an application to the
28 department containing one of the following:

29 1. If a permanently disabled person, a signed statement by the person
30 that is witnessed by a department agent or notary public, that requests the
31 renewal of the placard and that affirms that the person is physically
32 disabled.

33 2. If an organization, a signed statement by an authorized officer of
34 the organization affirming that the registered vehicle that is owned or
35 leased by the organization and that will display the placard primarily
36 transports physically disabled persons.

37 H. The placard or international symbol of access special plates shall
38 be displayed on or in the motor vehicle in the manner prescribed by the
39 department.

40 I. A request for special plates issued under this section may be
41 combined with a request for an honored military license plate issued under
42 article 13 of this chapter or any other special plate. The department shall
43 prescribe the form for the request. The request is subject to payment of
44 only the fee required for the honored military license plate or other special
45 plate and is not subject to any other special plate fee under section

1 28-2402. An international symbol of access special plate that is combined
2 with an honored military license plate or any other special plate is not a
3 personalized special plate under section 28-2406.

4 J. For the purposes of this section:

5 1. "Authorized physician" means a doctor of medicine, osteopathy,
6 podiatry or chiropractic licensed to practice medicine in this state or
7 another state or authorized by the United States government to practice
8 medicine.

9 2. "Permanently disabled removable windshield placard" means a
10 two-sided, hooked placard that includes on each side all of the following:

11 (a) The international symbol of access that is at least three inches
12 in height, that is centered on the placard and that is white on a blue
13 shield.

14 (b) An identification number.

15 (c) An expiration date.

16 (d) The seal or other identification of the issuing authority.

17 3. "Physically disabled person" means a person who, as determined by a
18 hospital administrator or authorized physician, meets any of the following
19 conditions:

20 (a) Cannot walk two hundred feet without stopping to rest.

21 (b) Cannot walk without the use of or assistance from any brace, cane,
22 crutch, other person, prosthetic device, wheelchair or other assistive
23 device.

24 (c) Is restricted by lung disease to such an extent that the person's
25 forced respiratory, expiratory volume for one second, if measured by
26 spirometry, is less than one liter, or the arterial oxygen tension is less
27 than sixty mm/Hg on room air at rest.

28 (d) Uses portable oxygen.

29 (e) Has a cardiac condition to the extent that the person's functional
30 limitations are classified in severity as class III or class IV according to
31 standards set by the American heart association.

32 (f) Is severely limited in the person's ability to walk due to an
33 arthritic, neurological or orthopedic condition.

34 4. "Temporarily disabled removable windshield placard" means a
35 two-sided, hooked placard that includes on each side all of the following:

36 (a) The international symbol of access that is at least three inches
37 in height, that is centered on the placard and that is white on a red shield.

38 (b) An identification number.

39 (c) A date of expiration.

40 (d) The seal or other identification of the issuing authority.

41 Sec. 3. Section 41-608.04, Arizona Revised Statutes, is amended to
42 read:

43 41-608.04. Military family relief fund; advisory committee

44 A. The military family relief fund is established through December 31,
45 ~~2013~~ 2018. The fund consists of private donations, grants, bequests and any

1 other monies received for that purpose. The department shall administer the
2 fund. On notice from the director, the state treasurer shall invest and
3 divest monies in the fund as provided by section 35-313, and monies earned
4 from investment shall be credited to the fund. The monies in the fund are
5 continuously appropriated to the department solely for the purposes described
6 in this section. Any monies remaining unexpended and unencumbered on
7 December 31, ~~2013~~ 2018 shall be transferred for deposit in the veterans'
8 donations fund established by section 41-608.

9 B. The military family relief advisory committee is established to
10 determine appropriate uses of the monies in the military family relief fund
11 as provided by this section. The advisory committee consists of the director
12 or the director's designee and twelve additional members, including widows
13 and widowers of military personnel who died in the line of duty, military
14 retirees, veterans who have a service-connected disability and their family
15 members, Arizona army and air national guard unit commanders and active and
16 retired senior enlisted military personnel. Except for the director, the
17 governor shall appoint the members based on recommendations by the director,
18 the adjutant general and commanders of military bases in this state.
19 Appointed members serve at the pleasure of the governor. The advisory
20 committee shall elect a chairperson from among the appointed members.

21 C. The advisory committee shall:

22 1. Establish criteria for the use of monies in the fund.

23 2. Establish and revise as necessary the application process for
24 financial assistance.

25 3. Review and evaluate applications.

26 4. Make other recommendations as necessary.

27 D. The advisory committee may establish a subcommittee, consisting of
28 not more than five members of the full committee, to recommend approval of a
29 grant to an applicant of not more than three thousand dollars.

30 E. Notwithstanding section 38-431.03, the subcommittee may meet in
31 executive session without advance notice. The full advisory committee may
32 meet in executive session, with notice pursuant to section 38-431.02, to
33 review and evaluate applications or review recommendations of the
34 subcommittee. Applications for financial assistance and all committee
35 considerations and evaluations of the applications are confidential.

36 F. The monies in the fund shall be used to provide financial
37 assistance pursuant to this subsection. The service member of an applying
38 family must have been deceased, wounded or injured or become seriously ill
39 after September 11, 2001, been deployed from a military base in this state or
40 entered active United States military service from this state after
41 September 11, 2001, claimed this state as the service member's home of
42 record or been a member of the Arizona national guard at the time of
43 deployment. If discharged from military service, the service member must
44 have been discharged under honorable conditions. The assistance shall be

1 based on financial need up to ten thousand dollars per family. Eligible
2 assistance is as follows:

3 1. Widows, widowers or dependent children of service members who died
4 in the line of duty in a combat zone or a zone where the person was receiving
5 hazardous duty pay may apply for a stipend for living expenses for up to six
6 months. For the purposes of the stipend, qualifying living expenses are
7 residential mortgage, rent and utility payments and other basic living
8 expenses. Payments with respect to any deceased person under this paragraph
9 are limited to a total of ten thousand dollars.

10 2. An immediate family member may apply for payment of costs of
11 temporary residence near the medical facility where the service member or
12 former service member is being treated, including living, travel and housing
13 expenses. Payments may be payable in monthly installments as long as the
14 person is hospitalized or receiving medical care or rehabilitation services
15 as authorized by military or veterans' medical personnel.

16 3. An immediate family member, service member or former service member
17 may apply for:

18 (a) Living expenses.

19 (b) Other appropriate expenses as determined by the military family
20 relief advisory committee.

21 G. The director may allocate up to five per cent of the donations
22 received for administering the fund and the financial assistance program
23 under this section including the hiring of an employee to process
24 applications and provide support to the committee. The department shall
25 provide reasonable office space and other necessary resources for the
26 employee.

27 H. The director shall receive private donations for deposit in the
28 fund and issue receipts to the donors. Private donations may qualify for the
29 purposes of income tax credits under section 43-1086. The director may
30 receive donations in any amount, but donations that qualify for tax credits
31 are subject to the limits prescribed by section 43-1086. Donations to the
32 fund that otherwise qualify under the tax credit limits prescribed by section
33 43-1086 but that exceed a combined total of one million dollars in any
34 calendar year, on a first come first served basis, do not qualify for the
35 income tax credits. The director shall provide the taxpayer a donation
36 receipt, which shall include the taxpayer's full name and address, the last
37 four digits of the taxpayer's social security number and the amount of the
38 donation. The director shall designate on the donation receipt whether the
39 donation qualifies under the limits prescribed by this subsection and section
40 43-1086. The director shall send a record of receipts that qualify under
41 this subsection to the department of revenue.

42 I. On or before March 31 of each year, the director shall provide for
43 an audit by an independent certified public accountant of the fund and of the
44 aggregate amount authorized by the director for income tax credits under
45 subsection H of this section. The director shall promptly submit a certified

1 copy of the audit to the auditor general. The auditor general may make
2 further audits and examinations as necessary and may take appropriate action
3 relating to the audit or examination pursuant to chapter 7, article 10.1 of
4 this title. If the auditor general does not take further action within
5 thirty days after the audit is filed, the audit is considered to be
6 sufficient. The director shall pay the costs of the certified public
7 accountant and the auditor general from the administration allocation under
8 subsection G of this section.

9 Sec. 4. Title 41, chapter 3, article 7, Arizona Revised Statutes, is
10 amended by adding section 41-609, to read:

11 41-609. Arizona veteran supportive campuses; department list;
12 reports; definition

13 A. A POSTSECONDARY INSTITUTION MAY REQUEST TO BE CERTIFIED BY THE
14 DIRECTOR AS AN ARIZONA VETERANS SUPPORTIVE CAMPUS. THE DEPARTMENT MAY
15 MAINTAIN A LIST OF CERTIFIED ARIZONA VETERANS SUPPORTIVE CAMPUSES ON THE
16 DEPARTMENT'S WEBSITE. THE LIST SHALL INCLUDE:

17 1. A LINK TO THE WEBSITE OF THE CAMPUS.

18 2. A STATEMENT THAT THIS LIST DOES NOT CONTAIN ALL POSTSECONDARY
19 INSTITUTIONS THAT MAY QUALIFY AS AN ARIZONA VETERAN SUPPORTIVE CAMPUS.

20 3. A DISCLAIMER THAT THE DEPARTMENT HAS NOT VERIFIED THE INFORMATION
21 ON THE WEBSITES OF THE CAMPUSES LISTED PURSUANT TO PARAGRAPH 1 OF THIS
22 SUBSECTION AND THAT THE DEPARTMENT DOES NOT ENDORSE ANY OFFER MADE BY ANY
23 SPONSOR OF THE WEBSITE.

24 B. THE DEPARTMENT MAY MAKE A REASONABLE EFFORT TO NOTIFY POSTSECONDARY
25 INSTITUTIONS AND ANY OTHER APPROPRIATE ENTITIES OF THE OPPORTUNITY TO BE
26 CERTIFIED AS AN ARIZONA VETERAN SUPPORTIVE CAMPUS.

27 C. ON OR BEFORE DECEMBER 31 AND JUNE 30 OF EACH YEAR, EACH ARIZONA
28 VETERAN SUPPORTIVE CAMPUS SHALL FORWARD A REPORT TO THE DEPARTMENT ON THE
29 NUMBER OF VETERANS ENROLLED IN ITS CAMPUS.

30 D. FOR THE PURPOSES OF THIS SECTION, "ARIZONA VETERAN SUPPORTIVE
31 CAMPUS" MEANS A POSTSECONDARY INSTITUTION THAT OFFERS:

32 1. A CAMPUS SURVEY OF STUDENT VETERANS TO IDENTIFY THE NEEDS, ISSUES
33 AND SUGGESTIONS OF VETERANS.

34 2. A CAMPUS STEERING COMMITTEE CONSISTING OF STUDENT VETERANS, FACULTY
35 AND STAFF TO SHARE INFORMATION AND TO DEVELOP PROGRAMS TO ESTABLISH OR
36 STRENGTHEN A VETERAN SUPPORTIVE CAMPUS BASED ON BEST PRACTICES BUT THAT ALSO
37 INTEGRATES THE CAMPUS CULTURE AND IDENTIFIES THE REAL NEEDS OF THE STUDENT
38 VETERANS.

39 3. SENSITIVITY AND AWARENESS TRAINING ON MILITARY AND VETERANS'
40 CULTURE, INCLUDING RELATED ISSUES SUCH AS TRAUMATIC BRAIN INJURY,
41 POSTTRAUMATIC STRESS DISORDER, PHYSICAL AND MENTAL DISABILITIES, SUICIDE AND
42 HYPER-VIGILANCE FOR FACULTY AND STAFF.

1 4. STUDENT VETERAN ORIENTATION PROGRAMS, INCLUDING STUDENT VETERAN
2 GUIDES FOR THE FIRST DAY ON CAMPUS, AN OPTIONAL STUDENT VETERAN ORIENTATION
3 SESSION AND AT LEAST ONE OPTIONAL VETERAN ONLY COURSE TAUGHT BY A VETERAN OR
4 BY A TRAINED VOLUNTEER ON VETERAN ISSUES.

5 5. PEER MENTORING AND PEER SUPPORT PROGRAMS FOR STUDENT VETERANS.

6 6. OUTREACH STRATEGIES TO LOCAL MILITARY BASES.

7 7. ONE-STOP RESOURCE AND STUDY CENTERS ON CAMPUS FOR STUDENT VETERANS,
8 THEIR FAMILIES AND STUDENT FAMILY MEMBERS OF THE ARMED FORCES WHO ARE
9 CURRENTLY DEPLOYED.

10 8. COMMUNITY-BASED COLLABORATIONS TO ALLOW THE PRIVATE SECTOR TO
11 SUPPORT VETERAN RESOURCE CENTERS THROUGH FINANCIAL AND IN-KIND GIFTS.

12 Sec. 5. Section 41-611, Arizona Revised Statutes, is amended to read:

13 41-611. Veterans' deferment of tuition payment, required books
14 and materials; period; promissory note

15 A. On registration at a state supported community college, college or
16 university, any person who is eligible for and has applied for benefits for
17 education ~~under the Montgomery GI bill (38 United States Code chapter 30 or~~
18 ~~32; 10 United States Code chapter 1606)~~ AVAILABLE TO VETERANS OF THE UNITED
19 STATES ARMED FORCES UNDER FEDERAL LAW may apply for a deferment of payment of
20 tuition, fees and required books and materials for a period not to exceed one
21 hundred twenty days. The community college, college or university shall
22 defer payment for that period on receipt of a signed and acknowledged
23 promissory note for the amount of the tuition, fees and required books and
24 materials, with no interest charge, that is due and payable at the end of the
25 deferral period. This deferment is available during any registration in
26 which a veteran is awaiting ~~Montgomery GI bill benefits~~ EDUCATION BENEFITS
27 AVAILABLE TO VETERANS OF THE UNITED STATES ARMED FORCES UNDER FEDERAL LAW.

28 B. If at the end of the deferral period the person has not yet
29 received from the veterans administration the initial benefit monies for
30 tuition and fees, the person may be granted an extension until such time as
31 the benefits are received.

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

35 Sec. 6. Laws 2010, chapter 254, section 2 is amended to read:

36 Sec. 2. Military family relief fund; grant awards

37 Notwithstanding section 41-608.04, Arizona Revised Statutes, and
38 through December 31, ~~2011~~ 2012, the military family relief fund advisory
39 committee may:

40 1. Use monies in the military family relief fund to provide financial
41 assistance to an applying family if the service member of the family was
42 deployed to a combat zone after September 11, 2001.

43 2. Award up to twenty thousand dollars to an applying family if ~~every~~
44 ~~member~~ TWO-THIRDS OF THE MEMBERS of the committee agrees to recommend
45 approval of the grant at a meeting of the entire committee.

