



Reprinted
January 26, 2005

SENATE BILL No. 304

DIGEST OF SB 304 (Updated January 25, 2005 2:15 pm - DI 102)

Citations Affected: IC 20-12; noncode.

Synopsis: Tuition exemption for National Guard dependents. Exempts spouses and children of National Guard members who are killed on state active duty from payment of tuition and mandatory fees at a state educational institution. Provides that a determination of an individual's eligibility for the tuition exemption is vested exclusively with the Indiana military department. Makes the knowing or intentional submission of a false or misleading application or statement to obtain the tuition exemption a Class A misdemeanor.

Effective: July 1, 2005.

**Wyss, Craycraft, Meeks, Merritt,
Rogers, Server, Sipes, Gard, Lutz L,
Dillon, Heinold, Hershman,
Young R Michael, Skinner, Paul**

January 6, 2005, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.
January 11, 2005, reported favorably — Do Pass.
January 24, 2005, read second time, call withdrawn.
January 25, 2005, reread second time, amended, ordered engrossed.

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SB 304—LS 7632/DI 102+



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 304

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans' affairs.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-12-19.7 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2005]:

4 **Chapter 19.7. Tuition Exemption for Children and Spouses of**
5 **National Guard Members**

6 **Sec. 1. As used in this chapter, "state educational institution"**
7 **has the meaning set forth in IC 20-12-0.5-1.**

8 **Sec. 2. (a) An individual:**

9 **(1) whose father, mother or spouse:**

10 **(A) was a member of the Indiana National Guard; and**

11 **(B) suffered a service connected death while serving on**
12 **state active duty (as described in IC 10-16-7-7);**

13 **(2) who is eligible to pay the resident tuition rate (as**
14 **determined by the institution) at the state educational**
15 **institution in which the individual is enrolled or will enroll;**
16 **and**

17 **(3) who possesses the requisite academic qualifications;**

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1 is exempt from the payment of tuition and mandatory fees for
2 instruction at the state educational institution in which the
3 individual is enrolled or will enroll.

4 (b) An individual may receive the tuition exemption described
5 in subsection (a) for all semester credit hours in which the
6 individual enrolls up to a maximum of one hundred twenty-four
7 (124) semester credit hours.

8 (c) An individual qualifying for or receiving the tuition
9 exemption described in subsection (a) is entitled to enter, remain,
10 and receive instruction at a state educational institution under the
11 same conditions, qualifications, and regulations that apply to:

- 12 (1) applicants for admission to; or
 - 13 (2) students enrolled in;
- 14 the state educational institution who do not qualify for or receive
15 the tuition exemption.

16 (d) For purposes of this section, the commission for higher
17 education established by IC 20-12-0.5-2 shall define the mandatory
18 fees in consultation with the state student assistance commission
19 established by IC 20-12-21-4.

20 Sec. 3. If an individual who:

- 21 (1) qualifies for or is receiving the tuition exemption under
- 22 section 2 of this chapter; and
- 23 (2) receives other financial assistance specifically designated
- 24 for tuition and mandatory fees at the state educational
- 25 institution in which the individual is enrolled or will enroll;

26 the state educational institution shall deduct the amount of the
27 financial assistance specifically designated for tuition and
28 mandatory fees from the amount of the tuition exemption under
29 section 2 of this chapter.

30 Sec. 4. If an individual who:

- 31 (1) qualifies for or is receiving the tuition exemption under
- 32 section 2 of this chapter; and
- 33 (2) earns or is awarded a cash scholarship from any source
- 34 that is paid or payable to the state education institution in
- 35 which the individual is enrolled or will enroll;

36 the state educational institution shall credit the amount of the cash
37 scholarship to the individual for the payment of incidental expenses
38 incurred by the individual in attending the state educational
39 institution, with the balance, if any, of the award, if the terms of the
40 scholarship permit, paid to the individual.

41 Sec. 5. (a) The determination as to whether an individual is
42 eligible for the tuition exemption authorized by this chapter is

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1 vested exclusively with the military department established by
2 IC 10-16-2-1.

3 (b) An applicant for the tuition exemption shall make a written
4 request to the adjutant general for a determination of the
5 individual's eligibility.

6 (c) In response to each request described in subsection (b), the
7 adjutant general shall make a written determination of the
8 applicant's eligibility.

9 (d) An applicant may appeal an adverse determination in
10 writing to the military department not more than fifteen (15)
11 business days after the date the applicant receives the
12 determination under subsection (c).

13 (e) The military department shall issue a final order not more
14 than fifteen (15) business days after the department receives a
15 written appeal under subsection (d).

16 Sec. 6. A person who knowingly or intentionally:

17 (1) submits a false or misleading application or another
18 document; or

19 (2) makes a false or misleading statement;
20 to obtain a benefit under this chapter commits a Class A
21 misdemeanor.

22 SECTION 2. [EFFECTIVE JULY 1, 2005] IC 20-12-19.7, as added
23 by this act, applies to all individuals whose father, mother or
24 spouse:

25 (1) was a member of the Indiana National Guard; and

26 (2) suffered a service connected death while serving on state
27 active duty (as described in IC 10-16-7-7);

28 whether the father's, mother's or spouse's service connected death
29 occurred before, on, or after July 1, 2005.

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SENATE MOTION

Madam President: I move that Senators Merritt, Rogers, Server, Sipes, Gard, Lutz, Dillon, Heinold and Hershman be added as coauthors of Senate Bill 304.

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill No. 304, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 304 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Young R Michael be added as coauthor of Senate Bill 304.

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SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 304.

WYSS

SENATE MOTION

Madam President: I move that Senator Paul be added as coauthor of Senate Bill 304.

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SENATE MOTION

Madam President: I move that Senate Bill 304 be amended to read as follows:

- Page 1, line 4, after "Children" insert "**and Spouses**".
- Page 1, line 9, delete "or" and insert ",".
- Page 1, line 9, after "mother" insert "**or spouse**".
- Page 3, line 23, delete "or" and insert ",".
- Page 3, line 23, after "mother" insert "**or spouse**".
- Page 3, line 27, delete "or" and insert ",".
- Page 3, line 27, after "mother's" insert "**or spouse's**".

(Reference is to SB 304 as printed January 12, 2005.)

YOUNG R MICHAEL

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