

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 304

Citations Affected: IC 20-12-19.7; IC 20-12-21-5.1.

Synopsis: National Guard active duty benefits. Conference committee report for ESB 304. 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. Provides that the state student assistance commission may exempt income earned by a member of the National Guard or any reserve component of the National Guard or armed forces while deployed overseas from consideration as income in determining eligibility for the Frank O'Bannon grant program. **(This conference report: (1) allows, rather than requires, the state student assistance commission to exempt income earned by a member of the National Guard or any reserve component of the National Guard or armed forces while deployed overseas from consideration as income in determining eligibility for the Frank O'Bannon grant program; (2) removes provisions waiving the application deadline established by state student assistance commission to apply for or renew a tuition scholarship awarded under the National Guard tuition supplement program, if a person is serving on active duty on January 1, and establishing an application deadline of 30 days before the first day of a semester or term of the state educational institution in which the person is enrolled; and (3) corrects technical errors in the bill.)**

Effective: Upon passage; July 1, 2005.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 304 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 20-12-19.7 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2005]:
5 **Chapter 19.7. Tuition Exemption for Children and Spouses of**
6 **National Guard Members**
7 **Sec. 1. As used in this chapter, "state educational institution" has**
8 **the meaning set forth in IC 20-12-0.5-1.**
9 **Sec. 2. (a) An individual:**
10 **(1) whose father, mother, or spouse:**
11 **(A) was a member of the Indiana National Guard; and**
12 **(B) suffered a service connected death while serving on state**
13 **active duty (as described in IC 10-16-7-7);**
14 **(2) who is eligible to pay the resident tuition rate (as**
15 **determined by the institution) at the state educational**
16 **institution in which the individual is enrolled or will enroll; and**
17 **(3) who possesses the requisite academic qualifications;**
18 **is exempt from the payment of tuition and mandatory fees for**
19 **instruction at the state educational institution in which the**
20 **individual is enrolled or will enroll.**
21 **(b) An individual may receive the tuition exemption described in**

1 subsection (a) for all semester credit hours in which the individual
2 enrolls up to a maximum of one hundred twenty-four (124)
3 semester credit hours.

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

8 (1) applicants for admission to; or

9 (2) students enrolled in;

10 the state educational institution who do not qualify for or receive
11 the tuition exemption.

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

16 **Sec. 3. If an individual who:**

17 (1) qualifies for or is receiving the tuition exemption under
18 section 2 of this chapter; and

19 (2) receives other financial assistance specifically designated for
20 tuition and mandatory fees at the state educational institution
21 in which the individual is enrolled or will enroll;

22 the state educational institution shall deduct the amount of the
23 financial assistance specifically designated for tuition and
24 mandatory fees from the amount of the tuition exemption under
25 section 2 of this chapter.

26 **Sec. 4. If an individual who:**

27 (1) qualifies for or is receiving the tuition exemption under
28 section 2 of this chapter; and

29 (2) earns or is awarded a cash scholarship from any source that
30 is paid or payable to the state education institution in which the
31 individual is enrolled or will enroll;

32 the state educational institution shall credit the amount of the cash
33 scholarship to the individual for the payment of incidental expenses
34 incurred by the individual in attending the state educational
35 institution, with the balance, if any, of the award, if the terms of the
36 scholarship permit, paid to the individual.

37 **Sec. 5. (a) The determination as to whether an individual is**
38 **eligible for the tuition exemption authorized by this chapter is**
39 **vested exclusively with the military department established by**
40 **IC 10-16-2-1.**

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

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

47 (d) An applicant may appeal an adverse determination in writing
48 to the military department not more than fifteen (15) business days
49 after the date the applicant receives the determination under
50 subsection (c).

51 (e) The military department shall issue a final order not more

1 **than fifteen (15) business days after the department receives a**
 2 **written appeal under subsection (d).**

3 **Sec. 6. A person who knowingly or intentionally:**

4 **(1) submits a false or misleading application or another**
 5 **document; or**

6 **(2) makes a false or misleading statement;**

7 **to obtain a benefit under this chapter commits a Class A**
 8 **misdemeanor.**

9 SECTION 2. IC 20-12-21-5.1 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) In addition
 11 to the duties described in section 5(a) of this chapter, the commission
 12 shall do the following:

13 (1) Prepare and supervise the issuance of public information
 14 concerning all of the commission's programs.

15 (2) Prescribe the form and regulate the submission of applications
 16 for all of the commission's programs.

17 (3) Determine the amounts of grants and scholarships.

18 (4) Determine eligibility for grants and scholarships.

19 (5) Receive federal funds made available to the commission for
 20 awards, grants, and scholarships, and disburse these funds in the
 21 manner prescribed by federal law.

22 (b) In addition to the powers described in section 5(b) of this chapter,
 23 the commission may do the following:

24 (1) Accept gifts, grants, devises, or bequests for the purpose of
 25 providing grants, awards, scholarships, loans, or other forms of
 26 financial aid to students attending approved institutions of higher
 27 learning.

28 (2) Enter into contracts, subject to IC 4-13-2, that the commission
 29 determines are necessary to carry out the commission's functions.

30 (3) Provide administrative or technical assistance to other
 31 governmental or nongovernmental entities if the provision of this
 32 assistance will increase the number and value of grants, awards,
 33 scholarships, or loans available to students attending approved
 34 institutions of higher learning.

35 (c) When the commission receives an offer of a gift, grant, devise, or
 36 bequest under subsection (b)(1), the commission may accept
 37 stipulations on the use of the donated funds. In this case, sections 7(d)
 38 and 17 of this chapter do not apply. Before accepting a gift, grant,
 39 devise, or bequest, the commission shall determine that the purposes for
 40 which a donor proposes to provide funds are:

41 (1) lawful;

42 (2) in the state's best interests; and

43 (3) generally consistent with the commission's programs and
 44 purposes.

45 Whenever the commission agrees to stipulations on the use of donated
 46 funds under this subsection, the commission and the donor shall,
 47 subject to approval by the ~~state~~ budget agency and the governor or the
 48 governor's designee, execute an agreement.

49 (d) Whenever the commission agrees to provide administrative or
 50 technical assistance under subsection (b)(3), the commission and the
 51 party to whom the assistance is to be provided shall execute an

- 1 agreement specifying:
- 2 (1) the assistance that is to be provided; and
- 3 (2) the charges, if any, that are to be assessed by the commission
- 4 for providing this assistance.
- 5 The commission may waive charges for administrative or technical
- 6 assistance under this subsection if the commission determines that a
- 7 waiver is in the best interest of the state. Agreements to provide
- 8 assistance under this subsection must be approved by the budget agency
- 9 and the governor or the governor's designee.
- 10 (e) The commission shall exercise its functions without regard to an
- 11 applicant's race, creed, sex, color, national origin, or ancestry.
- 12 **(f) This subsection applies to a person called to active duty after**
- 13 **September 11, 2001. As used in this subsection, "active duty"**
- 14 **means full-time service in:**
- 15 **(1) the National Guard (as defined in IC 10-16-1-13); or**
- 16 **(2) any reserve component of the:**
- 17 **(A) Indiana national guard; or**
- 18 **(B) armed forces;**
- 19 **that exceeds thirty (30) consecutive days in a calendar year. When**
- 20 **determining financial eligibility under subsection (a)(4) for a Frank**
- 21 **O'Bannon grant, which includes grants formerly designated as the**
- 22 **higher education award and the freedom of choice award, the**
- 23 **commission may exclude any salary for service on active duty.**
- 24 **SECTION 3. [EFFECTIVE JULY 1, 2005] IC 20-12-19.7, as added**
- 25 **by this act, applies to all individuals whose father, mother, or**
- 26 **spouse:**
- 27 **(1) was a member of the Indiana National Guard; and**
- 28 **(2) suffered a service connected death while serving on state**
- 29 **active duty (as described in IC 10-16-7-7);**
- 30 **whether the father's, mother's, or spouse's service connected death**
- 31 **occurred before, on, or after July 1, 2005.**
- 32 **SECTION 4. An emergency is declared for this act.**
 (Reference is to ESB 304 as reprinted March 25, 2005.)

Conference Committee Report
on
Engrossed Senate Bill 304

Signed by:

Senator Wyss
Chairperson

Representative Alderman

Senator Craycraft

Representative Reske

Senate Conferees

House Conferees