

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.

## SENATE ENROLLED ACT No. 304

---

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

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

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

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

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

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

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

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

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

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

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

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

**(b) An individual may receive the tuition exemption described in subsection (a) for all semester credit hours in which the**

C  
O  
P  
Y



individual enrolls up to a maximum of one hundred twenty-four (124) semester credit hours.

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

- (1) applicants for admission to; or
- (2) students enrolled in;

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

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

Sec. 3. If an individual who:

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

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

Sec. 4. If an individual who:

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

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

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

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

(c) In response to each request described in subsection (b), the

C  
O  
P  
Y



**adjutant general shall make a written determination of the applicant's eligibility.**

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

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

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

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

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

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

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

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

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

(3) Determine the amounts of grants and scholarships.

(4) Determine eligibility for grants and scholarships.

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

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

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

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

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

(c) When the commission receives an offer of a gift, grant, devise, or bequest under subsection (b)(1), the commission may accept

**C  
O  
P  
Y**



stipulations on the use of the donated funds. In this case, sections 7(d) and 17 of this chapter do not apply. Before accepting a gift, grant, devise, or bequest, the commission shall determine that the purposes for which a donor proposes to provide funds are:

- (1) lawful;
- (2) in the state's best interests; and
- (3) generally consistent with the commission's programs and purposes.

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

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

- (1) the assistance that is to be provided; and
- (2) the charges, if any, that are to be assessed by the commission for providing this assistance.

The commission may waive charges for administrative or technical assistance under this subsection if the commission determines that a waiver is in the best interest of the state. Agreements to provide assistance under this subsection must be approved by the budget agency and the governor or the governor's designee.

(e) The commission shall exercise its functions without regard to an applicant's race, creed, sex, color, national origin, or ancestry.

**(f) This subsection applies to a person called to active duty after September 11, 2001. As used in this subsection, "active duty" means full-time service in:**

- (1) the National Guard (as defined in IC 10-16-1-13); or**
- (2) any reserve component of the:**
  - (A) Indiana national guard; or**
  - (B) armed forces;**

**that exceeds thirty (30) consecutive days in a calendar year. When determining financial eligibility under subsection (a)(4) for a Frank O'Bannon grant, which includes grants formerly designated as the higher education award and the freedom of choice award, the commission may exclude any salary for service on active duty.**

**SECTION 3. [EFFECTIVE JULY 1, 2005] IC 20-12-19.7, as added by this act, applies to all individuals whose father, mother, or spouse:**

- (1) was a member of the Indiana National Guard; and**
- (2) suffered a service connected death while serving on state**

C  
O  
P  
Y



**active duty (as described in IC 10-16-7-7);  
whether the father's, mother's, or spouse's service connected death  
occurred before, on, or after July 1, 2005.**

**SECTION 4. An emergency is declared for this act.**

**C  
o  
p  
y**



---

President of the Senate

---

President Pro Tempore

---

Speaker of the House of Representatives

Approved: \_\_\_\_\_

---

Governor of the State of Indiana

**C**  
**O**  
**P**  
**Y**

