



February 18, 2000

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## ENGROSSED HOUSE BILL No. 1271

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DIGEST OF HB 1271 (Updated February 16, 2000 7:02 PM - DI 71)

**Citations Affected:** IC 20-12; noncode.

**Synopsis:** Tuition exemption for veterans' children. Provides that the tuition exemption for children of certain veterans who attend state educational institutions exempts the child from the payment of mandatory instructional fees (rather than fees paid into the general fund of the institution). Requires the commission for higher education, in consultation with the state student assistance commission, to define "mandatory instructional fees". Adopts standard terminology to refer collectively to all state educational institutions. Adds provisions for considering other assistance when determining the amount of the higher education benefit for children of veterans and children and spouses of law enforcement officers killed in the line of duty. Specifies that mandatory instructional fees are covered by the assistance for children of veterans, children and spouses of law enforcement officers killed in the line of duty, and for national guard members.

**Effective:** July 1, 2000; August 1, 2000.

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### Cochran, Kruse, Frenz, Scholer

(SENATE SPONSORS — PAUL, WYSS, SIPES)

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January 11, 2000, read first time and referred to Committee on Ways and Means.  
January 27, 2000, amended, reported — Do Pass.  
January 31, 2000, read second time, ordered engrossed. Engrossed.  
February 1, 2000, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 2, 2000, read first time and referred to Committee on Education.  
February 17, 2000, amended, reported favorably — Do Pass.

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EH 1271—LS 7124/DI 22+



February 18, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## ENGROSSED HOUSE BILL No. 1271

A BILL FOR AN ACT to amend the Indiana Code concerning higher education financial assistance.

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

- 1 SECTION 1. IC 20-12-19-1, AS AMENDED BY P.L.37-1999,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 AUGUST 1, 2000]: Sec. 1. (a) **As used in this section, "state  
4 educational institution" has the meaning set forth in  
5 IC 20-12-0.5-1.**  
6 (b) This section applies to the following persons:  
7 (1) A person who:  
8 (A) is a pupil at the Soldiers' and Sailors' Children's Home;  
9 (B) was admitted to the Soldiers' and Sailors' Children's Home  
10 because the person was related to a member of the armed  
11 forces of the United States;  
12 (C) is eligible to pay the resident tuition rate at the ~~college or  
13 university~~ **state educational institution** the person will attend  
14 as determined by the ~~college or university~~; **institution**; and  
15 (D) possesses the requisite academic qualifications.  
16 (2) A person:  
17 (A) whose mother or father:

EH 1271—LS 7124/DI 22+



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- 1 (i) served in the armed forces of the United States;  
 2 (ii) received the Purple Heart decoration or was wounded as  
 3 a result of enemy action; and  
 4 (iii) received a discharge or separation from the armed  
 5 forces other than a dishonorable discharge;  
 6 (B) who is eligible to pay the resident tuition rate at the ~~college~~  
 7 ~~or university~~ **state educational institution** the person will  
 8 attend as determined by the ~~college or university~~; **institution**;  
 9 and  
 10 (C) who possesses the requisite academic qualifications.
- 11 (3) A person:  
 12 (A) whose mother or father:  
 13 (i) served before July 1, 1999, in the armed forces of the  
 14 United States during any war or performed duty equally  
 15 hazardous that was recognized by the award of a service or  
 16 campaign medal of the United States;  
 17 (ii) suffered a service connected death or disability as  
 18 determined by the United States Department of Veterans  
 19 Affairs; and  
 20 (iii) received any discharge or separation from the armed  
 21 forces other than a dishonorable discharge;  
 22 (B) who is eligible to pay the resident tuition rate at the ~~college~~  
 23 ~~or university~~ **state educational institution** the person will  
 24 attend, as determined by the ~~college or university~~; **institution**;  
 25 and  
 26 (C) who possesses the requisite academic qualifications.
- 27 ~~(b)~~ (c) **Beginning with the semester or term that begins in the**  
 28 **fall of 2000**, a person described in subsection ~~(a)~~ (b) is entitled to  
 29 enter, remain, and receive instruction in ~~Indiana University, Purdue~~  
 30 ~~University, Indiana State University, Ball State University, Ivy Tech~~  
 31 ~~State College, University of Southern Indiana, Vincennes University,~~  
 32 ~~and their extension centers throughout Indiana, a state educational~~  
 33 **institution** upon the same conditions, qualifications, and regulations  
 34 prescribed for other applicants for admission to or scholars in the **state**  
 35 **educational institutions**, without the payment of any **tuition or**  
 36 **mandatory instructional fees paid into the general fund of the**  
 37 ~~colleges or universities~~; for one hundred twenty-four (124) semester  
 38 credit hours in the ~~institution of higher learning~~; **state educational**  
 39 **institution. For purposes of this chapter, the commission for higher**  
 40 **education of the state of Indiana (IC 20-12-0.5-2) shall define**  
 41 **mandatory instructional fees in consultation with the state student**  
 42 **assistance commission (IC 20-12-21-4).**

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- 1           (c) **(d)** If an applicant:
- 2           (1) is permitted to matriculate in the state ~~institutions of higher~~  
3           ~~learning;~~ **educational institution;**
- 4           (2) shall qualify under this chapter; and
- 5           (3) shall have earned or been awarded a cash scholarship which  
6           is paid or payable to such institution, from whatsoever source;  
7           the amount paid shall be applied to the credit of such applicant in the  
8           payment of incidental expenses of the applicant's attendance at the  
9           institution, and any balance, if the terms of the scholarship permit, shall  
10          be returned to such applicant.
- 11          (d) **(e)** Determination of eligibility for higher education benefits  
12          authorized under this section is vested exclusively in the Indiana  
13          department of veterans' affairs. Any applicant for these benefits may  
14          make a written request for a determination of eligibility by the Indiana  
15          department of veterans' affairs. The director or deputy director of the  
16          department shall make a written determination of eligibility in response  
17          to each request. **In determining the amount of an individual's**  
18          **benefit, the state student assistance commission shall consider**  
19          **other higher education financial assistance as provided in section**  
20          **2 of this chapter.**
- 21          (e) **(f)** An appeal from an adverse determination shall be made in  
22          writing to the veterans' affairs commission not more than fifteen (15)  
23          working days following the applicant's receipt of the determination. A  
24          final order shall be made by a simple majority of the veterans' affairs  
25          commission not more than fifteen (15) days following receipt of the  
26          written appeal.
- 27          (f) **(g)** A person who knowingly or intentionally submits a false or  
28          misleading application or other document under this section commits  
29          a Class A misdemeanor.
- 30          SECTION 2. IC 20-12-19-2 IS ADDED TO THE INDIANA CODE  
31          AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE  
32          AUGUST 1, 2000]: **Sec. 2. The amount of the benefits under this**  
33          **chapter is equal to one (1) of the following amounts:**
- 34               (1) **If the applicant does not receive financial assistance**  
35               **specifically designated for tuition and mandatory**  
36               **instructional fees, the amount determined under section 1 of**  
37               **this chapter.**
- 38               (2) **If the applicant receives financial assistance specifically**  
39               **designated for tuition and mandatory instructional fees:**
- 40                       (A) **the amount determined under section 1 of this chapter;**  
41                       **minus**
- 42                       (B) **the financial assistance specifically designated for**



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**tuition and mandatory instructional fees.**

SECTION 3. IC 20-12-19.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2000]: Sec. 1. (a) The children of:

- (1) regular, paid law enforcement officers;
- (2) regular, paid firefighters;
- (3) volunteer firefighters under IC 36-8-12-2;
- (4) county police reserve officers; or
- (5) city police reserve officers;

who have been killed in the line of duty shall not be required to pay tuition or ~~other required~~ **mandatory instructional** fees at any state supported college, university, or technical school, so long as the children are under the age of twenty-three (23) and are full-time students pursuing a prescribed course of study.

(b) The surviving spouse of a:

- (1) regular, paid law enforcement officer;
- (2) regular, paid firefighter;
- (3) volunteer firefighter under IC 36-8-12-2;
- (4) county police reserve officer; or
- (5) city police reserve officer;

who has been killed in the line of duty may not be required to pay tuition or ~~other required~~ **mandatory instructional** fees at any state supported college, university, or technical school, so long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

(c) This section applies to the children and surviving spouse of a:

- (1) regular, paid law enforcement officer;
- (2) regular, paid firefighter;
- (3) volunteer firefighter under IC 36-8-12-2;
- (4) county police reserve officer; or
- (5) city police reserve officer;

if the public safety officer described in this subsection was killed in the line of duty before, on, or after July 1, 1993.

SECTION 4. IC 20-12-19.5-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2000]: **Sec. 2. The amount of the benefits under this chapter is equal to one (1) of the following amounts:**

- (1) **If the applicant does not receive financial assistance specifically designated for tuition and mandatory instructional fees, the amount determined under section 1 of this chapter.**
- (2) **If the applicant receives financial assistance specifically**



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1 **designated for tuition and mandatory instructional fees:**

2 **(A) the amount determined under section 1 of this chapter;**  
 3 **minus**

4 **(B) the financial assistance specifically designated for**  
 5 **tuition and mandatory instructional fees.**

6 SECTION 5. IC 20-12-74-7, AS ADDED BY P.L.186-1999,  
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2000]: Sec. 7. (a) Money in the national guard tuition  
 9 supplement program fund shall be used to provide annual tuition  
 10 scholarships to scholarship applicants who qualify under this chapter  
 11 in an amount that is equal to one (1) of the following amounts:

12 (1) If the scholarship applicant does not receive other financial  
 13 assistance specifically designated for tuition and ~~other regularly~~  
 14 **assessed mandatory instructional** fees, the amount equal to a  
 15 full tuition scholarship to attend the state educational institution.

16 (2) If the scholarship applicant receives other financial assistance  
 17 specifically designated for tuition and ~~other regularly assessed~~  
 18 **mandatory instructional** fees, the amount:

19 (A) equal to the balance required to attend the state  
 20 educational institution; and

21 (B) not to exceed the amount described in subdivision (1).

22 (b) Each tuition scholarship awarded under this chapter:

23 (1) may be renewed under this chapter for a total scholarship  
 24 award that does not exceed the equivalent of eight (8) semesters;  
 25 and

26 (2) that is renewable under this chapter is subject to other  
 27 eligibility criteria as established by the commission.

28 SECTION 6. [EFFECTIVE AUGUST 1, 2000] **IC 20-12-19-1, as**  
 29 **added by this act, applies to a student enrolled at a state**  
 30 **educational institution after July 31, 2000.**

31 SECTION 7. [EFFECTIVE AUGUST 1, 2000] **IC 20-12-19-2,**  
 32 **20-12-19.5-1, IC 20-12-19.5-2, and IC 20-12-74-7, all as amended**  
 33 **or added by this act, apply to a student enrolled at a state**  
 34 **educational institution after July 31, 2000.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1271, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning higher education financial assistance.

Page 3, line 17, after "request." insert "**In determining the amount of an individual's benefit, the Indiana department of veterans' affairs shall consider other higher education financial assistance as provided in section 2 of this chapter.**".

Page 3, between lines 26 and 27, begin a new paragraph and insert: "SECTION 2. IC 20-12-19-2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE AUGUST 1, 2000]: **Sec. 2. The amount of the benefits under this chapter is equal to one (1) of the following amounts:**

- (1) **If the applicant does not receive financial assistance specifically designated for tuition and mandatory fees, the amount determined under section 1 of this chapter.**
- (2) **If the applicant receives financial assistance specifically designated for tuition and mandatory fees:**
  - (A) **the amount determined under section 1 of this chapter; minus**
  - (B) **the financial assistance specifically designated for tuition and mandatory fees.**

SECTION 3. IC 20-12-19.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2000]: **Sec. 1. (a)** The children of:

- (1) regular, paid law enforcement officers;
- (2) regular, paid firefighters;
- (3) volunteer firefighters under IC 36-8-12-2;
- (4) county police reserve officers; or
- (5) city police reserve officers;

who have been killed in the line of duty shall not be required to pay tuition or ~~other required~~ **mandatory** fees at any state supported college, university, or technical school, so long as the children are under the age of twenty-three (23) and are full-time students pursuing a prescribed course of study.

- (b) The surviving spouse of a:
  - (1) regular, paid law enforcement officer;
  - (2) regular, paid firefighter;

**EH 1271—LS 7124/DI 22+**



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- (3) volunteer firefighter under IC 36-8-12-2;
- (4) county police reserve officer; or
- (5) city police reserve officer;

who has been killed in the line of duty may not be required to pay tuition or ~~other required~~ **mandatory** fees at any state supported college, university, or technical school, so long as the surviving spouse is pursuing a prescribed course of study at the institution towards an undergraduate degree.

- (c) This section applies to the children and surviving spouse of a:
  - (1) regular, paid law enforcement officer;
  - (2) regular, paid firefighter;
  - (3) volunteer firefighter under IC 36-8-12-2;
  - (4) county police reserve officer; or
  - (5) city police reserve officer;

if the public safety officer described in this subsection was killed in the line of duty before, on, or after July 1, 1993.

SECTION 4. IC 20-12-19.5-2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2000]: **Sec. 2. The amount of the benefits under this chapter is equal to one (1) of the following amounts:**

- (1) **If the applicant does not receive financial assistance specifically designated for tuition and mandatory fees, the amount determined under section 1 of this chapter.**
- (2) **If the applicant receives financial assistance specifically designated for tuition and mandatory fees:**
  - (A) **the amount determined under section 1 of this chapter; minus**
  - (B) **the financial assistance specifically designated for tuition and mandatory fees.**

SECTION 5. IC 20-12-74-7, AS ADDED BY P.L.186-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 7. (a) Money in the national guard tuition supplement program fund shall be used to provide annual tuition scholarships to scholarship applicants who qualify under this chapter in an amount that is equal to one (1) of the following amounts:**

- (1) **If the scholarship applicant does not receive other financial assistance specifically designated for tuition and ~~other regularly assessed~~ **mandatory** fees, the amount equal to a full tuition scholarship to attend the state educational institution.**
- (2) **If the scholarship applicant receives other financial assistance specifically designated for tuition and ~~other regularly assessed~~ **mandatory** fees, the amount:**



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(A) equal to the balance required to attend the state educational institution; and

(B) not to exceed the amount described in subdivision (1).

(b) Each tuition scholarship awarded under this chapter:

(1) may be renewed under this chapter for a total scholarship award that does not exceed the equivalent of eight (8) semesters; and

(2) that is renewable under this chapter is subject to other eligibility criteria as established by the commission.

**SECTION 6. [EFFECTIVE AUGUST 1, 1999 (RETROACTIVE)]: IC 20-12-19-1, as added by this act, applies to a student enrolled at a state educational institution after July 31, 1999.**

**SECTION 7. [EFFECTIVE AUGUST 1, 2000] IC 20-12-19-2, 20-12-19.5-1, IC 20-12-19.5-2, and IC 20-12-74-7, all as amended or added by this act, apply to a student enrolled at a state educational institution after July 31, 2000."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1271 as introduced.)

BAUER, Chair

Committee Vote: yeas 19, nays 0.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Education, to which was referred House Bill No. 1271, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 3, delete "1999 (RETROACTIVE)" and insert "2000".

Page 2, line 28, delete "1999," and insert "**2000**,".

Page 2, line 36, after "mandatory" insert "**instructional**".

Page 2, line 40, after "mandatory" insert "**instructional**".

Page 3, line 18, delete "Indiana department of veterans' affairs" and insert "**state student assistance commission**".

Page 3, line 35, after "mandatory" insert "**instructional**".

Page 3, line 38, after "mandatory" insert "**instructional**".

Page 3, line 42, after "mandatory" insert "**instructional**".

Page 4, line 10, after "mandatory" insert "**instructional**".

Page 4, line 21, after "mandatory" insert "**instructional**".

Page 4, line 38, after "mandatory" insert "**instructional**".

Page 4, line 41, after "mandatory" insert "**instructional**".

Page 5, line 3, after "mandatory" insert "**instructional**".

Page 5, line 12, after "mandatory" insert "**instructional**".

Page 5, line 16, after "mandatory" insert "**instructional**".

Page 5, line 26, delete "1999 (RETROACTIVE)]:" and insert "2000]".

Page 5, line 28, delete "1999." and insert "**2000**."

Page 5, delete line 33.

and when so amended that said bill do pass.

(Reference is to HB 1271 as printed January 28, 2000.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 11, Nays 0.

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