

# HB0318



## 94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0318

Introduced 1/20/2005, by Rep. Jim Watson

### SYNOPSIS AS INTRODUCED:

110 ILCS 947/40  
110 ILCS 947/45

Amends the Higher Education Student Assistance Act. Makes changes concerning veteran grants with regard to who qualifies for assistance, the type of assistance, notification to the postsecondary institution, and administration of the program. Makes changes concerning the Illinois National Guard grant program with regard to who is eligible for a grant and what the grant covers. Effective July 1, 2005.

LRB094 06002 RAS 36060 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Higher Education Student Assistance Act is  
5 amended by changing Sections 40 and 45 as follows:

6 (110 ILCS 947/40)

7 Sec. 40. Illinois Veteran grant program.

8 (a) As used in this Section:

9 "Qualified applicant" means a person who served in the  
10 Armed Forces of the United States, a Reserve component of the  
11 Armed Forces, or the Illinois National Guard, excluding members  
12 of the Reserve Officers' Training Corps and those whose only  
13 service has been attendance at a service academy, and who meets  
14 all of the following qualifications:

15 (1) At the time of entering federal active duty service  
16 the person was one of the following:

17 (A) An Illinois resident.

18 (B) An Illinois resident within 6 months of  
19 entering such service.

20 (C) Enrolled at a State-controlled university or  
21 public community college in this State.

22 (2) The person meets one of the following requirements:

23 (A) He or she served at least one year of federal  
24 active duty.

25 (B) He or she served less than one year of federal  
26 active duty and received an honorable discharge for  
27 medical reasons directly connected with such service.

28 (C) He or she served less than one year of federal  
29 active duty and was discharged prior to August 11,  
30 1967.

31 (D) He or she served less than one year of federal  
32 active duty in a foreign country during a time of

1 hostilities in that foreign country.

2 (3) The person received an honorable discharge after  
3 leaving each period of federal active duty service.

4 (4) The person returned to this State within 6 months  
5 after leaving federal active duty service, or, if married  
6 to a person in continued military service stationed outside  
7 this State, returned to this State within 6 months after  
8 his or her spouse left service or was stationed within this  
9 State.

10 "Time of hostilities" means any action by the Armed Forces  
11 of the United States that is recognized by the issuance of a  
12 Presidential proclamation or a Presidential executive order  
13 and in which the Armed Forces expeditionary medal or other  
14 campaign service medals are awarded according to Presidential  
15 executive order.

16 (b) A person who otherwise qualifies under subsection (a)  
17 of this Section but has not left federal active duty service  
18 and has served at least one year of federal active duty or has  
19 served for less than one year of federal active duty in a  
20 foreign country during a time of hostilities in that foreign  
21 country and who can provide documentation demonstrating an  
22 honorable service record is eligible to receive assistance  
23 under this Section.

24 (c) A qualified applicant is not required to pay any  
25 tuition or mandatory fees while attending a State-controlled  
26 university or public community college in this State for a  
27 period that is equivalent to 4 years of full-time enrollment,  
28 including summer terms.

29 (d) A qualified applicant who has been or is to be awarded  
30 assistance under this Section shall receive that assistance if  
31 the qualified applicant notifies his or her postsecondary  
32 institution of that fact by the end of the school term for  
33 which assistance is requested.

34 (e) Assistance under this Section is considered an  
35 entitlement that the State-controlled college or public  
36 community college in which the qualified applicant is enrolled

1 shall honor without any condition other than the qualified  
2 applicant's maintenance of minimum grade levels and a  
3 satisfactory student loan repayment record pursuant to  
4 subsection (c) of Section 20 of this Act.

5 (f) The Commission shall administer the grant program  
6 established by this Section and shall make all necessary and  
7 proper rules not inconsistent with this Section for its  
8 effective implementation.

9 (g) All applications for assistance under this Section must  
10 be made to the Commission on forms that the Commission shall  
11 provide. The Commission shall determine the form of application  
12 and the information required to be set forth in the  
13 application, and the Commission shall require qualified  
14 applicants to submit with their applications any supporting  
15 documents that the Commission deems necessary. Upon request,  
16 the Department of Veterans' Affairs shall assist the Commission  
17 in determining the eligibility of applicants for assistance  
18 under this Section.

19 (h) Assistance under this Section is available as long as  
20 the federal government provides educational benefits to  
21 veterans. Assistance must not be paid under this Section after  
22 6 months following the termination of educational benefits to  
23 veterans by the federal government, except for persons who  
24 already have begun their education with assistance under this  
25 Section. If the federal government terminates educational  
26 benefits to veterans and at a later time resumes those  
27 benefits, assistance under this Section shall resume. Any  
28 ~~person who served in the armed forces of the United States, not~~  
29 ~~including members of the Student Army Training Corps, who at~~  
30 ~~the time of entering service was an Illinois resident or was an~~  
31 ~~Illinois resident within 6 months of entering such service, and~~  
32 ~~who returned to Illinois within 6 months after leaving service~~  
33 ~~or, if married to a person in continued military service~~  
34 ~~stationed outside Illinois, within 6 months after his or her~~  
35 ~~spouse has left service or has been stationed within Illinois,~~  
36 ~~and who has been honorably discharged from such service, and~~

1 ~~who possesses all necessary entrance requirements shall,~~  
2 ~~except as otherwise provided in this Act, upon application and~~  
3 ~~proper proof, be awarded an Illinois Veteran Grant consisting~~  
4 ~~of the equivalent of 4 calendar years of full-time enrollment,~~  
5 ~~including summer terms, to the State controlled college or~~  
6 ~~university or community college of his choice. Such veterans~~  
7 ~~shall also be entitled, upon proper proof and application, to~~  
8 ~~enroll in any extension course offered by a State controlled~~  
9 ~~college or university or community college without the payment~~  
10 ~~of tuition or fees.~~

11 ~~Any veteran who so served, and who, at the time of entering~~  
12 ~~such service, was a student at a State controlled college or~~  
13 ~~university or community college, and who was honorably~~  
14 ~~discharged from such service, shall, upon application and~~  
15 ~~proper proof be awarded a Veteran Grant entitling him to~~  
16 ~~complete his course of study at any State controlled college or~~  
17 ~~university or community college of his choice, but shall not be~~  
18 ~~entitled to a grant consisting of more than the equivalent of 4~~  
19 ~~calendar years of full-time enrollment including summer~~  
20 ~~sessions.~~

21 ~~Any member of the armed forces of the United States who~~  
22 ~~either (i) has served in such armed forces at least one year,~~  
23 ~~or (ii) has served in the armed forces of the United States for~~  
24 ~~less than one year in a time of hostilities in a foreign~~  
25 ~~country, and who would be qualified for a grant under this~~  
26 ~~Section if he had been discharged from such service shall be~~  
27 ~~eligible to receive a Veteran Grant under this Section.~~

28 ~~The holder of a Veteran Grant to the State controlled~~  
29 ~~college or university or community college of his choice as~~  
30 ~~authorized under this Section shall not be required to pay any~~  
31 ~~matriculation or application fees, tuition, activities fees,~~  
32 ~~graduation fees, or other fees except multipurpose building~~  
33 ~~fees or similar fees for supplies and materials.~~

34 ~~Any veteran who has been or shall be awarded a Veteran~~  
35 ~~Grant shall be reimbursed by the appropriate college,~~  
36 ~~university, or community college for any fees which he has paid~~

1 ~~and for which exemption is granted under this Section, if~~  
2 ~~application for reimbursement is made within 2 months following~~  
3 ~~the school term for which the fees were paid.~~

4 ~~A Veteran Grant shall be considered an entitlement which~~  
5 ~~the State controlled college or university or community~~  
6 ~~college in which the holder is enrolled shall honor without any~~  
7 ~~condition other than the holder's maintenance of minimum grade~~  
8 ~~levels and a satisfactory student loan repayment record~~  
9 ~~pursuant to subsection (c) of Section 20.~~

10 ~~A grant authorized under this Section shall not be awarded~~  
11 ~~to veterans who received a discharge from the armed forces of~~  
12 ~~the United States under dishonorable conditions, or to any~~  
13 ~~veteran whose service with the armed forces was for less than~~  
14 ~~one year unless he received an honorable discharge from such~~  
15 ~~service for medical reasons directly connected with such~~  
16 ~~service, except for those veterans discharged prior to August~~  
17 ~~11, 1967 whose service may be for less than one year, and~~  
18 ~~except for those veterans (i) who serve in the armed forces of~~  
19 ~~the United States for less than one year in a time of~~  
20 ~~hostilities in a foreign country and (ii) who receive an~~  
21 ~~honorable discharge.~~

22 ~~The amounts that become due to any State controlled college~~  
23 ~~or university or community college shall be payable by the~~  
24 ~~Comptroller to that institution on vouchers approved by the~~  
25 ~~Commission. The Commission, or its designated representative~~  
26 ~~at that institution, shall determine the eligibility of the~~  
27 ~~persons who make application for the benefits provided for in~~  
28 ~~this Section. The Department of Veterans' Affairs shall assist~~  
29 ~~the Commission in determining the eligibility of applicants. On~~  
30 ~~July 29, 1986, the Illinois Department of Veterans' Affairs~~  
31 ~~shall transfer and deliver to the Commission all books,~~  
32 ~~records, papers, documents, applications and pending business~~  
33 ~~in any way pertaining to the duties, responsibilities and~~  
34 ~~authority theretofore exercised or performed by the Illinois~~  
35 ~~Department of Veterans' Affairs under and pursuant to Section~~  
36 ~~4.1 of the Department of Veterans Affairs Act.~~

1       ~~The benefits provided for in this Section shall be~~  
2 ~~available as long as the federal government provides~~  
3 ~~educational benefits to veterans. No benefits shall be paid~~  
4 ~~under this Section, except for veterans who already have begun~~  
5 ~~their education under this Section, after 6 months following~~  
6 ~~the termination of educational benefits to veterans by the~~  
7 ~~federal government. If the federal government terminates~~  
8 ~~educational benefits to veterans and at a later time resumes~~  
9 ~~those benefits, the benefits of this Section shall resume.~~

10       ~~As used in this Section, "time of hostilities in a foreign~~  
11 ~~country" means any action by the armed forces of the United~~  
12 ~~States that is recognized by the issuance of a Presidential~~  
13 ~~proclamation or a Presidential executive order and in which the~~  
14 ~~armed forces expeditionary medal or other campaign service~~  
15 ~~medals are awarded according to Presidential executive order.~~

16       (Source: P.A. 90-752, eff. 8-14-98; 91-496, eff. 8-13-99.)

17       (110 ILCS 947/45)

18       Sec. 45. Illinois National Guard grant program.

19       (a) As used in this Section:

20       "State controlled university or community college" means  
21 those institutions under the administration of the Chicago  
22 State University Board of Trustees, the Eastern Illinois  
23 University Board of Trustees, the Governors State University  
24 Board of Trustees, the Illinois State University Board of  
25 Trustees, the Northeastern Illinois University Board of  
26 Trustees, the Northern Illinois University Board of Trustees,  
27 the Western Illinois University Board of Trustees, Southern  
28 Illinois University Board of Trustees, University of Illinois  
29 Board of Trustees, or the Illinois Community College Board.

30       "Tuition and mandatory fees" shall not include expenses for  
31 any sectarian or denominational instruction, the construction  
32 or maintenance of sectarian or denominational facilities, or  
33 any other sectarian or denominational purposes or activity.

34       ~~"Fees" means matriculation, graduation, activity, term, or~~  
35 ~~incidental fees. Exemption shall not be granted from any other~~

1 ~~fees, including book rental, service, laboratory, supply, and~~  
2 ~~union building fees, hospital and medical insurance fees, and~~  
3 ~~any fees established for the operation and maintenance of~~  
4 ~~buildings, the income of which is pledged to the payment of~~  
5 ~~interest and principal on bonds issued by the governing board~~  
6 ~~of any university or community college.~~

7 (b) Any ~~enlisted person or any company grade officer,~~  
8 ~~including warrant officers, First and Second Lieutenants, and~~  
9 ~~Captains in the Army and Air National Guard,~~ who has served at  
10 least one year in the Illinois National Guard and who possesses  
11 all necessary entrance requirements shall, upon application  
12 and proper proof, be awarded a grant to the State-controlled  
13 university or community college of his or her choice,  
14 consisting of exemption from tuition and mandatory fees for not  
15 more than the equivalent of 4 years of full-time enrollment,  
16 including summer terms, in relation to his or her course of  
17 study at that State controlled university or community college  
18 while he or she is a member of the Illinois National Guard.  
19 Except as otherwise provided in this Section, if the recipient  
20 of any grant awarded under this Section ceases to be a member  
21 of the Illinois National Guard while enrolled in a course of  
22 study under that grant, the grant shall be terminated as of the  
23 date membership in the Illinois National Guard ended, and the  
24 recipient shall be permitted to complete the school term in  
25 which he or she is then enrolled only upon payment of tuition  
26 and other fees allocable to the part of the term then  
27 remaining. If the recipient of a grant awarded under this  
28 Section ceases to be a member of the Illinois National Guard  
29 while enrolled in a course of study under that grant but (i)  
30 has served in the Illinois National Guard for at least 5 years  
31 and (ii) has served a cumulative total of at least 6 months of  
32 active duty, then that recipient shall continue to be eligible  
33 for a grant for one year after membership in the Illinois  
34 National Guard ended, provided that the recipient has not  
35 already received the exemption from tuition and fees for the  
36 equivalent of 4 years of full-time enrollment, including summer



1 terms, under this Section. If the recipient of the grant fails  
2 to complete his or her military service obligations or  
3 requirements for satisfactory participation, the Department of  
4 Military Affairs shall require the recipient to repay the  
5 amount of the grant received, prorated according to the  
6 fraction of the service obligation not completed, and, if  
7 applicable, reasonable collection fees. The Department of  
8 Military Affairs may adopt rules relating to its collection  
9 activities for repayment of the grant under this Section.  
10 Unsatisfactory participation shall be defined by rules adopted  
11 by the Department of Military Affairs. Repayments shall be  
12 deposited in the National Guard Grant Fund. The National Guard  
13 Grant Fund is created as a special fund in the State treasury.  
14 All money in the National Guard Grant Fund shall be used,  
15 subject to appropriation, by the Illinois Student Assistance  
16 Commission for the purposes of this Section.

17 A grant awarded under this Section shall be considered an  
18 entitlement which the State-controlled university or community  
19 college in which the holder is enrolled shall honor without any  
20 condition other than the holder's maintenance of minimum grade  
21 levels and a satisfactory student loan repayment record  
22 pursuant to subsection (c) of Section 20 of this Act.

23 (c) Subject to a separate appropriation for such purposes,  
24 the Commission may reimburse the State-controlled university  
25 or community college for grants authorized by this Section.

26 (Source: P.A. 92-589, eff. 7-1-02; 93-838, eff. 7-30-04;  
27 93-856, eff. 8-3-04; revised 10-22-04.)

28 Section 99. Effective date. This Act takes effect July 1,  
29 2005.