



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4209

Introduced 2/27/2009, by Rep. Mike Bost - Ronald A. Wait - Harry R. Ramey, Jr. - JoAnn D. Osmond - Jerry L. Mitchell, et al.

SYNOPSIS AS INTRODUCED:

110 ILCS 947/40
110 ILCS 947/45

Amends the Higher Education Student Assistance Act. With respect to Veteran grants and Illinois National Guard and Naval Militia grants, Provides that a person who otherwise qualifies for a grant may relinquish his or her entitlement to the grant and instead transfer that entitlement to his or her spouse, natural child, legally adopted child, or step-child. Effective July 1, 2009.

LRB096 08833 NHT 18967 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

1 active duty.

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

5 (C) He or she served less than one year of federal
6 active duty and was discharged prior to August 11,
7 1967.

8 (D) He or she served less than one year of federal
9 active duty in a foreign country during a time of
10 hostilities in that foreign country.

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

13 (4) The person returned to this State within 6 months
14 after leaving federal active duty service, or, if married
15 to a person in continued military service stationed outside
16 this State, returned to this State within 6 months after
17 his or her spouse left service or was stationed within this
18 State.

19 "Time of hostilities" means any action by the Armed Forces
20 of the United States that is recognized by the issuance of a
21 Presidential proclamation or a Presidential executive order
22 and in which the Armed Forces expeditionary medal or other
23 campaign service medals are awarded according to Presidential
24 executive order.

25 (b) A person who otherwise qualifies under subsection (a)
26 of this Section but has not left federal active duty service

1 and has served at least one year of federal active duty or has
2 served for less than one year of federal active duty in a
3 foreign country during a time of hostilities in that foreign
4 country and who can provide documentation demonstrating an
5 honorable service record is eligible to receive assistance
6 under this Section.

7 (b-5) A person who otherwise qualifies for a grant under
8 subsection (a) of (b) of this Section may relinquish his or her
9 entitlement to the grant and instead transfer that entitlement
10 to his or her spouse, natural child, legally adopted child, or
11 step-child.

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

17 A qualified applicant who has previously received benefits
18 under this Section for a non-mandatory fee shall continue to
19 receive benefits covering such fees while he or she is enrolled
20 in a continuous program of study. The qualified applicant shall
21 no longer receive a grant covering non-mandatory fees if he or
22 she fails to enroll during an academic term, unless he or she
23 is serving federal active duty service.

24 (d) A qualified applicant who has been or is to be awarded
25 assistance under this Section shall receive that assistance if
26 the qualified applicant notifies his or her postsecondary

1 institution of that fact by the end of the school term for
2 which assistance is requested.

3 (e) Assistance under this Section is considered an
4 entitlement that the State-controlled college or public
5 community college in which the qualified applicant is enrolled
6 shall honor without any condition other than the qualified
7 applicant's maintenance of minimum grade levels and a
8 satisfactory student loan repayment record pursuant to
9 subsection (c) of Section 20 of this Act.

10 (f) The Commission shall administer the grant program
11 established by this Section and shall make all necessary and
12 proper rules not inconsistent with this Section for its
13 effective implementation.

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

24 (h) Assistance under this Section is available as long as
25 the federal government provides educational benefits to
26 veterans. Assistance must not be paid under this Section after

1 6 months following the termination of educational benefits to
2 veterans by the federal government, except for persons who
3 already have begun their education with assistance under this
4 Section. If the federal government terminates educational
5 benefits to veterans and at a later time resumes those
6 benefits, assistance under this Section shall resume.

7 (Source: P.A. 94-583, eff. 8-15-05.)

8 (110 ILCS 947/45)

9 Sec. 45. Illinois National Guard and Naval Militia grant
10 program.

11 (a) As used in this Section:

12 "State controlled university or community college" means
13 those institutions under the administration of the Chicago
14 State University Board of Trustees, the Eastern Illinois
15 University Board of Trustees, the Governors State University
16 Board of Trustees, the Illinois State University Board of
17 Trustees, the Northeastern Illinois University Board of
18 Trustees, the Northern Illinois University Board of Trustees,
19 the Western Illinois University Board of Trustees, Southern
20 Illinois University Board of Trustees, University of Illinois
21 Board of Trustees, or the Illinois Community College Board.

22 "Tuition and fees" shall not include expenses for any
23 sectarian or denominational instruction, the construction or
24 maintenance of sectarian or denominational facilities, or any
25 other sectarian or denominational purposes or activity.

1 "Fees" means matriculation, graduation, activity, term, or
2 incidental fees. Exemption shall not be granted from any other
3 fees, including book rental, service, laboratory, supply, and
4 union building fees, hospital and medical insurance fees, and
5 any fees established for the operation and maintenance of
6 buildings, the income of which is pledged to the payment of
7 interest and principal on bonds issued by the governing board
8 of any university or community college.

9 (b) Any person who has served at least one year in the
10 Illinois National Guard or the Illinois Naval Militia and who
11 possesses all necessary entrance requirements shall, upon
12 application and proper proof, be awarded a grant to the
13 State-controlled university or community college of his or her
14 choice, consisting of exemption from tuition and 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 or
19 the Illinois Naval Militia. Except as otherwise provided in
20 this Section, if the recipient of any grant awarded under this
21 Section ceases to be a member of the Illinois National Guard or
22 the Illinois Naval Militia while enrolled in a course of study
23 under that grant, the grant shall be terminated as of the date
24 membership in the Illinois National Guard or the Illinois Naval
25 Militia ended, and the recipient shall be permitted to complete
26 the school term in which he or she is then enrolled only upon

1 payment of tuition and other fees allocable to the part of the
2 term then remaining. If the recipient of a grant awarded under
3 this Section ceases to be a member of the Illinois National
4 Guard or the Illinois Naval Militia while enrolled in a course
5 of study under that grant but (i) has served in the Illinois
6 National Guard or the Illinois Naval Militia for at least 5
7 years and (ii) has served a cumulative total of at least 6
8 months of active duty, then that recipient shall continue to be
9 eligible for a grant for one year after membership in the
10 Illinois National Guard or the Illinois Naval Militia ended,
11 provided that the recipient has not already received the
12 exemption from tuition and fees for the equivalent of 4 years
13 of full-time enrollment, including summer terms, under this
14 Section. If the recipient of the grant fails to complete his or
15 her military service obligations or requirements for
16 satisfactory participation, the Department of Military Affairs
17 shall require the recipient to repay the amount of the grant
18 received, prorated according to the fraction of the service
19 obligation not completed, and, if applicable, reasonable
20 collection fees. The Department of Military Affairs may adopt
21 rules relating to its collection activities for repayment of
22 the grant under this Section. Unsatisfactory participation
23 shall be defined by rules adopted by the Department of Military
24 Affairs. Repayments shall be deposited in the National Guard
25 and Naval Militia Grant Fund. The National Guard and Naval
26 Militia Grant Fund is created as a special fund in the State

1 treasury. All money in the National Guard and Naval Militia
2 Grant Fund shall be used, subject to appropriation, by the
3 Illinois Student Assistance Commission for the purposes of this
4 Section.

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

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

14 (d) A person who otherwise qualifies for a grant under
15 subsection (b) of this Section may relinquish his or her
16 entitlement to the grant and instead transfer that entitlement
17 to his or her spouse, natural child, legally adopted child, or
18 step-child.

19 (Source: P.A. 93-838, eff. 7-30-04; 93-856, eff. 8-3-04;
20 94-583, eff. 8-15-05; 94-1020, eff. 7-11-06.)

21 Section 99. Effective date. This Act takes effect July 1,
22 2009.