



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB5824**

Introduced 2/10/2010, by Rep. Mike Bost

#### 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, and who elects not to participate in specified grant or assistance programs, 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, 2010.

LRB096 18066 MJR 33441 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) or (b) of this Section and who elects not to  
9 utilize the Illinois Veterans Grant program or any federal  
10 program that provides tuition payments or assistance to  
11 veterans may relinquish his or her entitlement to the grant and  
12 instead transfer that entitlement to his or her spouse, natural  
13 child, legally adopted child, or step-child.

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

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

26 (d) A qualified applicant who has been or is to be awarded

1 assistance under this Section shall receive that assistance if  
2 the qualified applicant notifies his or her postsecondary  
3 institution of that fact by the end of the school term for  
4 which assistance is requested.

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

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

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

26 (h) Assistance under this Section is available as long as

1 the federal government provides educational benefits to  
2 veterans. Assistance must not be paid under this Section after  
3 6 months following the termination of educational benefits to  
4 veterans by the federal government, except for persons who  
5 already have begun their education with assistance under this  
6 Section. If the federal government terminates educational  
7 benefits to veterans and at a later time resumes those  
8 benefits, assistance under this Section shall resume.

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

10 (110 ILCS 947/45)

11 Sec. 45. Illinois National Guard and Naval Militia grant  
12 program.

13 (a) As used in this Section:

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

24 "Tuition and fees" shall not include expenses for any  
25 sectarian or denominational instruction, the construction or

1 maintenance of sectarian or denominational facilities, or any  
2 other sectarian or denominational purposes or activity.

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

11 (b) Any person who has served at least one year in the  
12 Illinois National Guard or the Illinois Naval Militia and who  
13 possesses all necessary entrance requirements shall, upon  
14 application and proper proof, be awarded a grant to the  
15 State-controlled university or community college of his or her  
16 choice, consisting of exemption from tuition and fees for not  
17 more than the equivalent of 4 years of full-time enrollment,  
18 including summer terms, in relation to his or her course of  
19 study at that State controlled university or community college  
20 while he or she is a member of the Illinois National Guard or  
21 the Illinois Naval Militia. Except as otherwise provided in  
22 this Section, if the recipient of any grant awarded under this  
23 Section ceases to be a member of the Illinois National Guard or  
24 the Illinois Naval Militia while enrolled in a course of study  
25 under that grant, the grant shall be terminated as of the date  
26 membership in the Illinois National Guard or the Illinois Naval

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



1 and Naval Militia Grant Fund. The National Guard and Naval  
2 Militia Grant Fund is created as a special fund in the State  
3 treasury. All money in the National Guard and Naval Militia  
4 Grant Fund shall be used, subject to appropriation, by the  
5 Illinois Student Assistance Commission for the purposes of this  
6 Section.

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

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

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

21 (Source: P.A. 93-838, eff. 7-30-04; 93-856, eff. 8-3-04;  
22 94-583, eff. 8-15-05; 94-1020, eff. 7-11-06.)

23 Section 99. Effective date. This Act takes effect July 1,  
24 2010.