

**SB3947**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB3947**

Introduced 9/16/2010, by Sen. James F. Clayborne, Jr.

**SYNOPSIS AS INTRODUCED:**

110 ILCS 947/40

Amends the Higher Education Student Assistance Act. With respect to Veteran grants, provides that a person who otherwise qualifies for a grant and who elects not to utilize the Illinois Veteran Grant program or any federal program that provides tuition payments or assistance to veterans may relinquish his or her entitlement to the grant and instead transfer that entitlement to his or her natural child, legally adopted child, or step-child.

LRB096 22666 NHT 41995 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 Section 40 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 Veteran 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 natural child,  
13 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.)