

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE ENROLLED ACT No. 216

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AN ACT to amend the Indiana Code concerning higher education.

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

SECTION 1. IC 10-12-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) The department may establish, operate, and make necessary contributions to a dependent's pension reserve account for the payment of pensions to dependent parents, surviving spouses, and dependent unmarried children of employee beneficiaries who are killed in the line of duty.

(b) The maximum monthly pension amount payable to dependent mothers, dependent fathers, and surviving spouses:

- (1) may not exceed the then current basic monthly pension amount paid to retirees; and
- (2) shall cease with the last payment before the dependent parent's or surviving spouse's death.

(c) Except as provided in subsections (d) through (f), the maximum monthly pension amount payable to each dependent unmarried child may not exceed thirty percent (30%) of the current basic monthly pension amount paid to retirees. The payment shall cease with the last payment before the child's marriage or nineteenth birthday, whichever occurs first.

(d) The total monthly pension amount paid to all dependent unmarried children of an employee beneficiary may not exceed the current basic monthly amount paid to retirees.

(e) Each unmarried dependent child who is at least nineteen (19)

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years of age but less than twenty-three (23) years of age is eligible to receive a pension payment while enrolled as a full-time student in a school, college, or university.

(f) A dependent child, married or unmarried, of an employee beneficiary who is killed in the line of duty is eligible ~~to attend any Indiana state supported college or university tuition free.~~ **for an educational costs exemption as provided under IC 21-14-4.**

(g) All dependent mothers, dependent fathers, surviving spouses, and dependent children who received a dependent pension on June 30, 1969, shall receive a pension calculated as provided by this section beginning on July 1, 1969. Any surviving spouse electing to, or who has previously elected to, receive joint survivorship benefits instead of pension payments is eligible to receive the full pension benefit.

SECTION 2. IC 10-12-2-11, AS AMENDED BY P.L.99-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 11. The child or spouse of an employee beneficiary who has a permanent and total disability from a catastrophic personal injury that was sustained in the line of duty and permanently prevents the employee beneficiary from performing any gainful work ~~may not be required to pay tuition or mandatory fees at any state supported college, university, or technical school if:~~

- (1) the child is less than twenty-three (23) years of age and is a full-time student pursuing a prescribed course of study; or
- (2) the spouse is pursuing a prescribed course of study toward an undergraduate degree.

**is eligible for an educational costs exemption as provided under IC 21-14-4.**

SECTION 3. IC 11-8-2-12, AS AMENDED BY P.L.2-2007, SECTION 150, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 12. Each child and surviving spouse of a hazardous duty employee of the department who:

- (1) works within a prison or juvenile facility; or
- (2) performs parole or emergency response operations and functions;

and dies in the line of duty is eligible ~~to attend any state educational institution under IC 21-14-6 without paying tuition or mandatory fees.~~ **for an educational costs exemption as provided under IC 21-14-4.**

SECTION 4. IC 21-12-13-1, AS AMENDED BY P.L.191-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This section applies to the following scholarships and tuition and fee remission statutes:

- (1) IC 10-12-2-6.

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- (2) IC 10-12-2-11.
- (3) IC 10-17-7.
- (4) IC 21-14-4.
- ~~(5) IC 21-14-6.~~
- ~~(6) IC 21-14-6.5.~~
- ~~(7) IC 21-14-7.~~
- ~~(8) IC 21-14-10.~~

(b) Except as provided in subsection (c), a grant or reduction in tuition or fees, including all renewals and extensions, under any of the laws listed in subsection (a) may not exceed one hundred twenty-four (124) undergraduate credit hours or its equivalent, as determined by the commission and must be used within eight (8) years after the date the individual first applies and becomes eligible for benefits under the applicable law.

(c) The commission may, subject to availability of funds, extend eligibility under subsection (b) for a recipient who used a grant or reduction in tuition or fees under any of the statutes listed in subsection (a) at a postsecondary educational institution that has closed. The extension of eligibility may not exceed the number of credit hours used by the recipient at the postsecondary educational institution that closed.

SECTION 5. IC 21-14-1-2.2, AS ADDED BY P.L.161-2017, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.2. For purposes of ~~IC 21-14-6.5~~, **IC 21-14-4**, "1977 fund" refers to the 1977 police officers' and firefighters' pension and disability fund established by IC 36-8-8-4.

SECTION 6. IC 21-14-1-4, AS AMENDED BY P.L.161-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. "Eligible applicant"

(1) ~~for purposes of IC 21-14-4~~, refers to a person who is eligible for an educational costs exemption ~~for children of veterans~~ under IC 21-14-4.

(2) ~~for purposes of IC 21-14-6~~, refers to a person who is eligible for an educational costs exemption ~~for the children or surviving spouse of a public safety officer~~ under ~~IC 21-14-6~~;

(3) ~~for purposes of IC 21-14-6.5~~, refers to a person who is eligible under ~~IC 21-14-6.5~~ for an educational costs exemption for the children or spouse of a member of the 1977 police officers' and firefighters' pension and disability fund who sustains a catastrophic physical personal injury in the line of duty;

(4) ~~for purposes of IC 21-14-7~~, refers to a person who is eligible for an educational costs exemption for children and spouses of National Guard members under ~~IC 21-14-7~~; and



(5) for purposes of IC 21-14-10; refers to a person who is eligible for an educational costs exemption for Purple Heart recipients under IC 21-14-10.

SECTION 7. IC 21-14-3 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Tuition and Fee Exemptions and Reductions Outside This Article).

SECTION 8. IC 21-14-4-1, AS AMENDED BY P.L.6-2012, SECTION 148, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) This chapter applies to the following persons:

(1) A person who:

(A) is a pupil at the Soldiers' and Sailors' Children's Home;  
**and**

(B) was admitted to the Soldiers' and Sailors' Children's Home because the person was related to a member of the armed forces of the United States.

~~(C) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and~~

~~(D) possesses the requisite academic qualifications.~~

(2) A person

~~(A) whose mother or father:~~

~~(i) (A) served in the armed forces of the United States;~~

~~(ii) (B) received the Purple Heart decoration or was wounded as a result of enemy action;~~

~~(iii) (C) received a discharge or separation from the armed forces other than a dishonorable discharge; and~~

~~(iv) (D) either designated Indiana as home of record at the time of enlistment in the armed forces of the United States or resided in Indiana at least five (5) years before the person first applies for **benefits an exemption** under this chapter.~~

~~(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution;~~

~~(C) who possesses the requisite academic qualifications;~~

~~(D) who, if the person was adopted by the person's mother or father, was adopted before the person was eighteen (18) years of age; and~~

~~(E) who is not more than thirty-two (32) years of age when the person first applies and becomes eligible for benefits under this chapter.~~

(3) A person



- (A) whose mother or father:
- (i) (A) served in the armed forces of the United States during a war or performed duty equally hazardous that was recognized by the award of a service or campaign medal of the United States;
  - (ii) (B) suffered a service connected death or disability as determined by the United States Department of Veterans Affairs;
  - (iii) (C) received any discharge or separation from the armed forces other than a dishonorable discharge; and
  - (iv) (D) either listed Indiana as home of record at the time of enlistment in the armed forces of the United States or resided in Indiana at least five (5) years before the person first applies for **benefits an exemption** under this chapter.
- (B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend; as determined by the institution;
- (C) who possesses the requisite academic qualifications;
- (D) who, if the person was adopted by the person's mother or father, was adopted before the person was eighteen (18) years of age; and
- (E) who is not more than thirty-two (32) years of age when the person first applies and becomes eligible for benefits under this chapter.
- (4) A person who:**
- (A) enters active duty service from a permanent home address in Indiana;
  - (B) received a discharge or separation from the armed forces of the United States other than a dishonorable discharge; and
  - (C) received the Purple Heart decoration or was wounded as a result of enemy action.
- (5) A person whose mother, father, or spouse:**
- (A) served as a public safety officer; and
  - (B) was killed in the line of duty.
- (6) A person whose mother, father, or spouse:**
- (A) is a member of the 1977 fund;
  - (B) sustained a catastrophic physical personal injury in the line of duty; and
  - (C) qualifies for benefits under IC 36-8-8-13.3(f) or IC 36-8-8-13.5(m).
- (7) A person whose mother, father, or spouse:**



- (A) was a member of the Indiana National Guard; and
  - (B) suffered a service connected death while serving on state active duty (as described in IC 10-16-7-7).
- (8) A person whose mother, father, or spouse:
- (A) was a state police officer; and
  - (B) suffered a permanent and total disability from a catastrophic personal injury that was sustained in the line of duty and permanently prevents the state police officer from performing any gainful work.
- (b) In addition to the eligibility requirements under subsection (a), an individual must meet the following to be eligible for an educational costs exemption under this chapter:
- (1) The individual is eligible to pay the resident tuition rate at the state educational institution the individual will attend, as determined by the state educational institution.
  - (2) If the individual:
    - (A) qualifies for an exemption under this chapter based on the service of the individual's mother or father; and
    - (B) was adopted by the individual's mother or father described in clause (A);
 the individual was adopted before the individual was eighteen (18) years of age.
  - (3) If the individual qualifies for an exemption under this chapter based on the service of the individual's mother or father, the individual is not more than thirty-two (32) years of age when the individual first applies and becomes eligible for the exemption under this chapter.
  - (4) The individual is, after high school graduation, pursuing a prescribed course of study at the state educational institution.
  - (5) After July 1, 2020, the individual maintains satisfactory academic progress, as determined by the state educational institution.

SECTION 9. IC 21-14-4-2, AS AMENDED BY P.L.217-2015, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) Subject to this section and section 2.5 of this chapter, an eligible applicant is entitled to enter, remain, and receive instruction in a state educational institution upon the same conditions, qualifications, and regulations prescribed for other applicants for admission to or scholars in the state educational institutions, without the payment of any educational costs for one hundred twenty-four (124) semester credit hours in the state educational institution.



(b) The maximum amount that an eligible applicant is exempt from paying for a semester hour is an amount equal to the cost of an undergraduate semester credit hour at the state educational institution in which the eligible applicant enrolls.

(c) This subsection applies only to an individual who qualifies for a benefit under this chapter because of a father or mother (or in the case of section 1(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011. This subsection applies to a student who initially enrolls in an eligible institution for a semester (or its equivalent) beginning after June 30, 2012. Subject to subsection (d), any benefits awarded under this chapter may not be renewed, subject to subsections (a) and (b), if the eligible individual fails to maintain at least a cumulative grade point average that the eligible institution determines is satisfactory academic progress:

(d) After the first semester or its equivalent at the eligible institution that a person does not achieve the requisite cumulative grade point average specified in subsection (c), the person is considered to be on probation and must achieve the requisite cumulative grade point average by the next semester or its equivalent at the eligible institution in order to continue to receive benefits under this chapter:

(e) (c) Notwithstanding any other provision of this chapter or another law, a change in the criteria for or the amount of a **benefit an exemption** awarded under this chapter enacted in the 2011 session of the general assembly applies only to an individual who qualifies for a **benefit an exemption** under this chapter because of a father or mother (or in the case of section 1(1) 1(a)(1) of this chapter, a related member) who enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011.

SECTION 10. IC 21-14-4-2.5, AS ADDED BY P.L.169-2011, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 2.5. (a) This section applies to an individual who qualifies as an eligible applicant under section 1(3) 1(a)(3) of this chapter because the individual's father or mother:

- (1) enlisted or otherwise initially served in the armed forces of the United States after June 30, 2011; and
- (2) suffered a disability as determined by the United States Department of Veterans Affairs.

(b) This ~~subsection~~ **section** does not apply to an individual who:

- (1) is an eligible applicant under section 1(3) 1(a)(3) of this chapter; and
- (2) qualifies as an eligible applicant under section 1(1) 1(a)(1) or



~~1(2)~~ **1(a)(2)** of this chapter.

(c) Subject to subsection (d) and section 2(b) of this chapter, the eligible applicant is entitled to a reduction in the educational costs that would otherwise apply as follows:

(1) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of eighty percent (80%) or more, the individual is entitled to a one hundred percent (100%) reduction in education costs.

(2) If the individual's father or mother suffered a disability as determined by the United States Department of Veterans Affairs with a rating of less than eighty percent (80%), the individual is entitled to a reduction in education costs equal to the sum of:

(A) twenty percent (20%); plus

(B) the disability rating of the individual's father or mother.

(d) The latest disability rating determined by the United States Department of Veterans Affairs for an individual's father or mother shall be used to compute the percentage by which education costs are reduced under this section. If the disability rating of the individual's father or mother changes after the beginning of an academic semester, quarter, or other period for which educational costs have been reduced under this section, the change in disability rating shall be applied beginning with the immediately following academic semester, quarter, or other period.

SECTION 11. IC 21-14-4-5, AS AMENDED BY P.L.169-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) **This subsection applies to an applicant described in section 1(a)(1), 1(a)(2), 1(a)(3), or 1(a)(4) of this chapter. A determination of eligibility for higher education benefits authorized as to whether an applicant is eligible for an educational costs exemption under this chapter is vested exclusively in the Indiana department of veterans' affairs. Any An applicant for benefits under this chapter an exemption under this chapter may make a written request for a determination of eligibility by the Indiana department of veterans' affairs. The director or deputy director of the Indiana department of veterans' affairs shall make a written determination of eligibility in response to each request. In determining the amount of an applicant's benefit, the commission shall consider other higher education financial assistance in conformity with this chapter.**

**(b) This subsection applies to an applicant described in section 1(a)(7) of this chapter. A determination as to whether an applicant is eligible for an educational costs exemption under this chapter is**





vested exclusively in the military department established by IC 10-16-2-1. An applicant for an exemption under this chapter must make a written request to the adjutant general for a determination of the applicant's eligibility. In response to each request for an exemption under this chapter, the adjutant general shall make a written determination of the applicant's eligibility.

~~(b)~~ (c) The commission shall administer the ~~benefits exemptions~~ and ensure compliance with this chapter.

SECTION 12. IC 21-14-4-6, AS AMENDED BY P.L.169-2011, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 6. (a) An appeal from an adverse determination under section 5(a) of this chapter must be made in writing to the veterans' affairs commission not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made by a simple majority of the veterans' affairs commission not more than fifteen (15) days following receipt of the written appeal.

**(b) An appeal from an adverse determination under section 5(b) of this chapter must be made in writing to the military department established by IC 10-16-2-1 not more than fifteen (15) working days following the applicant's receipt of the determination. A final order must be made not more than fifteen (15) days following receipt of the written appeal.**

SECTION 13. IC 21-14-4-8, AS AMENDED BY P.L.169-2011, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 8. The amount of the ~~benefits exemptions~~ under this chapter is equal to one (1) of the following amounts:

- (1) If the applicant does not receive financial assistance specifically designated for educational costs, the amount determined under sections 2 through 6 of this chapter.
- (2) If the applicant receives any financial assistance, including federal assistance, specifically designated for educational costs:
  - (A) the amount determined under sections 2 through 6 of this chapter; minus
  - (B) the financial assistance specifically designated for educational costs.

SECTION 14. IC 21-14-6 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Tuition and Fee Exemption for Children and Surviving Spouse of Public Safety Officer Killed in the Line of Duty).

SECTION 15. IC 21-14-6.5 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Tuition and Fee Exemption for Children and Spouse of 1977 Fund Member Who Sustains a Catastrophic Physical Personal Injury).

SECTION 16. IC 21-14-7 IS REPEALED [EFFECTIVE JULY 1,



2019]. (Tuition and Fee Exemption for Children and Spouses of National Guard Members).

SECTION 17. IC 21-14-10 IS REPEALED [EFFECTIVE JULY 1, 2019]. (Tuition and Fee Exemption for Purple Heart Recipients).

SECTION 18. IC 21-14-12.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:

**Chapter 12.3. Resident Tuition for Spouses and Dependents of Veterans**

**Sec. 1.** As used in this chapter, "dependent" means a biological child, adopted child, or stepchild of a qualified veteran.

**Sec. 2.** As used in this chapter, "qualified course" has the meaning set forth in IC 21-14-12.2-1.

**Sec. 3.** As used in this chapter, "qualified veteran" has the meaning set forth in IC 21-14-12.2-2.

**Sec. 4.** A spouse or dependent of a qualified veteran who enrolls in a state educational institution not later than twelve (12) months after the date of the qualified veteran's discharge or separation from the armed forces of the United States or the Indiana National Guard is eligible to pay the resident tuition rate determined by the state educational institution for a qualified course taken by the spouse or dependent of the qualified veteran while attending the state educational institution.

**Sec. 5. (a)** Subject to subsection (b), a spouse or dependent of a qualified veteran is eligible to pay a resident tuition rate for a qualified course:

(1) regardless of whether the spouse, dependent, or qualified veteran has resided in Indiana long enough after the qualified veteran's discharge or separation from the armed forces of the United States or the Indiana National Guard to establish Indiana residency under the otherwise applicable policies of the state educational institution; and

(2) regardless of whether the spouse or dependent of the qualified veteran has returned to Indiana for the primary purpose of attending the state educational institution.

(b) A spouse or dependent of a qualified veteran and the qualified veteran must provide to the state educational institution, not later than twelve (12) months after the date the spouse or dependent enrolls in the state educational institution, the following:

(1) Proof that the spouse or dependent and the qualified veteran have registered to vote in Indiana.

(2) Proof of the following:



- (A) The spouse or dependent has:
- (i) obtained an Indiana driver's license or a state identification card under IC 9-24; or
  - (ii) registered the spouse's or dependent's motor vehicle in Indiana.
- (B) The qualified veteran has:
- (i) obtained an Indiana driver's license or a state identification card under IC 9-24; or
  - (ii) registered the qualified veteran's motor vehicle in Indiana.
- (3) Proof of the relationship between the spouse or dependent and the qualified veteran.
- (4) Any other proof of residency as required by the commission.

If the spouse or dependent of the qualified veteran or the qualified veteran fails to comply with this subsection, the spouse or dependent of the qualified veteran is subject to the tuition policies determined by the state educational institution. The state educational institution may charge an amount that equals the difference between the nonresident tuition rate and the tuition charged for qualified courses in which the spouse or dependent of the qualified veteran enrolled during the first twelve (12) months of enrollment at the state educational institution.

**Sec. 6. A spouse or dependent of a qualified veteran who enrolls in a state educational institution later than twelve (12) months after the date of the qualified veteran's discharge or separation from the armed forces of the United States or the Indiana National Guard is subject to the tuition policies determined by the state educational institution.**

SECTION 19. IC 35-52-21-3 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 3. IC 21-14-7-12 defines a crime concerning state educational institutions.

SECTION 20. IC 35-52-21-4 IS REPEALED [EFFECTIVE JULY 1, 2019]. Sec. 4. IC 21-14-10-7 defines a crime concerning state educational institutions.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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