

AN ACT concerning education.

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

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

(110 ILCS 947/40)

Sec. 40. Illinois Veteran grant program.

(a) As used in this Section:

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

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

(A) An Illinois resident.

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

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

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

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

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

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

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

hostilities in that foreign country.

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

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

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

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

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

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

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

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

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

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

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

(h) Assistance under this Section is available as long as the federal government provides educational benefits to veterans. Assistance must not be paid under this Section after 6 months following the termination of educational benefits to veterans by the federal government, except for persons who already have begun their education with assistance under this Section. If the federal government terminates educational benefits to veterans and at a later time resumes those benefits, assistance under this Section shall resume. ~~Any person who served in the armed forces of the United States, not including members of the Student Army Training Corps, who at~~

~~the time of entering service was an Illinois resident or was an Illinois resident within 6 months of entering such service, and who returned to Illinois within 6 months after leaving service or, if married to a person in continued military service stationed outside Illinois, within 6 months after his or her spouse has left service or has been stationed within Illinois, and who has been honorably discharged from such service, and who possesses all necessary entrance requirements shall, except as otherwise provided in this Act, upon application and proper proof, be awarded an Illinois Veteran Grant consisting of the equivalent of 4 calendar years of full-time enrollment, including summer terms, to the State-controlled college or university or community college of his choice. Such veterans shall also be entitled, upon proper proof and application, to enroll in any extension course offered by a State-controlled college or university or community college without the payment of tuition or fees.~~

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

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

~~The holder of a Veteran Grant to the State-controlled college or university or community college of his choice as~~

~~authorized under this Section shall not be required to pay any matriculation or application fees, tuition, activities fees, graduation fees, or other fees except multipurpose building fees or similar fees for supplies and materials.~~

~~Any veteran who has been or shall be awarded a Veteran Grant shall be reimbursed by the appropriate college, university, or community college for any fees which he has paid and for which exemption is granted under this Section, if application for reimbursement is made within 2 months following the school term for which the fees were paid.~~

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

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

~~The amounts that become due to any State-controlled college or university or community college shall be payable by the Comptroller to that institution on vouchers approved by the Commission. The Commission, or its designated representative at that institution, shall determine the eligibility of the persons who make application for the benefits provided for in this Section. The Department of Veterans' Affairs shall assist the Commission in determining the eligibility of applicants. On~~

~~July 29, 1986, the Illinois Department of Veterans' Affairs shall transfer and deliver to the Commission all books, records, papers, documents, applications and pending business in any way pertaining to the duties, responsibilities and authority theretofore exercised or performed by the Illinois Department of Veterans' Affairs under and pursuant to Section 4.1 of the Department of Veterans Affairs Act.~~

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

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

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

(110 ILCS 947/45)

Sec. 45. Illinois National Guard grant program.

(a) As used in this Section:

"State controlled university or community college" means those institutions under the administration of the Chicago State University Board of Trustees, the Eastern Illinois University Board of Trustees, the Governors State University Board of Trustees, the Illinois State University Board of Trustees, the Northeastern Illinois University Board of Trustees, the Northern Illinois University Board of Trustees, the Western Illinois University Board of Trustees, Southern Illinois University Board of Trustees, University of Illinois

Board of Trustees, or the Illinois Community College Board.

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

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

(b) Any ~~enlisted person or any company grade officer, including warrant officers, First and Second Lieutenants, and Captains in the Army and Air National Guard,~~ who has served at least one year in the Illinois National Guard and who possesses all necessary entrance requirements shall, upon application and proper proof, be awarded a grant to the State-controlled university or community college of his or her choice, consisting of exemption from tuition and fees for not more than the equivalent of 4 years of full-time enrollment, including summer terms, in relation to his or her course of study at that State controlled university or community college while he or she is a member of the Illinois National Guard. Except as otherwise provided in this Section, if the recipient of any grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant, the grant shall be terminated as of the date membership in the Illinois National Guard ended, and the recipient shall be permitted to complete the school term in which he or she is then enrolled only upon payment of tuition and other fees allocable to the part of the term then remaining. If the recipient of a grant awarded under this Section ceases to be a member of the Illinois National Guard while enrolled in a course of study under that grant but (i)

has served in the Illinois National Guard for at least 5 years and (ii) has served a cumulative total of at least 6 months of active duty, then that recipient shall continue to be eligible for a grant for one year after membership in the Illinois National Guard ended, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of 4 years of full-time enrollment, including summer terms, under this Section. If the recipient of the grant fails to complete his or her military service obligations or requirements for satisfactory participation, the Department of Military Affairs shall require the recipient to repay the amount of the grant received, prorated according to the fraction of the service obligation not completed, and, if applicable, reasonable collection fees. The Department of Military Affairs may adopt rules relating to its collection activities for repayment of the grant under this Section. Unsatisfactory participation shall be defined by rules adopted by the Department of Military Affairs. Repayments shall be deposited in the National Guard Grant Fund. The National Guard Grant Fund is created as a special fund in the State treasury. All money in the National Guard Grant Fund shall be used, subject to appropriation, by the Illinois Student Assistance Commission for the purposes of this Section.

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

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

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

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

Public Act 094-0583

HB0815 Enrolled

LRB094 07240 RAS 37396 b

2005.