

# SENATE BILL No. 138

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-32-1; IC 21-14.

**Synopsis:** Eligibility for resident tuition rate. Provides that an individual who meets certain conditions is eligible for the resident tuition rate as determined by the state educational institution. Requires the commission for higher education to prescribe the form of the affidavit an individual must file to be eligible for the resident tuition rate. Provides that an agency or political subdivision is not required to verify that an individual is a United States citizen or qualified alien for the individual to be eligible to pay the resident tuition rate. Repeals a provision that provides that an individual who is not lawfully in the United States is not eligible to pay the resident tuition rate.

**Effective:** July 1, 2019.

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## Niezgodski

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January 3, 2019, read first time and referred to Committee on Education and Career Development.

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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 BILL No. 138

A BILL FOR AN ACT to amend the Indiana Code concerning higher education.

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

1 SECTION 1. IC 12-32-1-2, AS ADDED BY P.L.171-2011,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 2. (a) As used in this chapter, "federal public  
4 benefit" has the meaning set forth in 8 U.S.C. 1611.

5 (b) **The term does not include the resident tuition rate (as  
6 determined by a state educational institution).**

7 SECTION 2. IC 12-32-1-3, AS ADDED BY P.L.171-2011,  
8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2019]: Sec. 3. (a) As used in this chapter, "state or local public  
10 benefit" has the meaning set forth in 8 U.S.C. 1621.

11 (b) The term includes  
12 (†) a postsecondary education award, including a scholarship, a  
13 grant, or financial aid. ~~and~~  
14 (‡) ~~the resident tuition rate (as determined by the state educational~~  
15 ~~institution).~~

16 (c) **The term does not include the resident tuition rate (as**  
17 **determined by a state educational institution).**



1 SECTION 3. IC 12-32-1-5, AS AMENDED BY P.L.180-2013,  
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2019]: Sec. 5. (a) Notwithstanding any other provision of law  
 4 and except as otherwise provided under federal law and subsections  
 5 (b), (c), and (d), ~~and (e)~~; an agency or a political subdivision shall  
 6 verify, in the manner required under section 6 of this chapter, the  
 7 eligibility of any individual who:

- 8 (1) is at least eighteen (18) years of age; and  
 9 (2) applies for state or local public benefits or federal public  
 10 benefits that are provided by the agency or the political  
 11 subdivision.

12 (b) A health care provider (as defined in IC 16-18-2-163(a)) is not  
 13 required to verify the eligibility of an individual as required under  
 14 subsection (a) if the health care provider is providing health care  
 15 services for the treatment of an emergency medical condition (as  
 16 defined in 42 U.S.C. 1396b(v)(3)).

17 (c) With regard to a state or local public benefit or a federal public  
 18 benefit that covers health care services, a health care provider (as  
 19 defined in IC 16-18-2-163) satisfies the requirements of this chapter if  
 20 the health care provider complies with the eligibility verification  
 21 policies and procedures for providing the benefit that is established by  
 22 the:

- 23 (1) office of the secretary of family and social services; or  
 24 (2) federal Department of Health and Human Services.

25 ~~(d) A state educational institution is not required to verify the~~  
 26 ~~eligibility of an individual as required under subsection (a) if all the~~  
 27 ~~following apply:~~

28 ~~(1) The individual is eligible to pay the resident tuition rate of the~~  
 29 ~~state educational institution.~~

30 ~~(2) The individual is not applying for any state or local public~~  
 31 ~~benefit or federal public benefit other than the resident tuition rate~~  
 32 ~~that:~~

- 33 ~~(A) is provided by the state educational institution; and~~  
 34 ~~(B) would require verification under this chapter.~~

35 ~~(3) The individual was enrolled in a state educational institution~~  
 36 ~~on or before July 1, 2011.~~

37 ~~(e)~~ (d) An agency or a political subdivision is not required to verify  
 38 the eligibility of an individual as required under subsection (a) if all the  
 39 following apply:

40 (1) The individual is applying for a scholarship, a grant, or  
 41 financial aid for postsecondary education.

42 (2) The individual is not applying for any state or local public



1 benefit or federal public benefit other than the benefit described  
2 in subdivision (1) that:

- 3 (A) is provided by the agency or political subdivision; and  
4 (B) would require verification under this chapter.

5 (3) The individual is:

- 6 (A) an international student with bona fide legal status; and  
7 (B) enrolled in a state educational institution.

8 SECTION 4. IC 21-14-11 IS REPEALED [EFFECTIVE JULY 1,  
9 2019]. (Restrictions on Resident Tuition).

10 SECTION 5. IC 21-14-14 IS ADDED TO THE INDIANA CODE  
11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2019]:

13 **Chapter 14. Resident Tuition for Eligible Individuals**

14 **Sec. 1. (a) This section does not apply to an individual who is a  
15 nonimmigrant alien as described in 8 U.S.C. 1101(a)(15).**

16 **(b) Except as otherwise provided under federal law and in  
17 addition to any individual who is otherwise eligible to pay the  
18 resident tuition rate, an individual is eligible to pay the resident  
19 tuition rate that is determined by a state educational institution if  
20 the following apply:**

21 **(1) The individual has attended high school in Indiana for at  
22 least twelve (12) months.**

23 **(2) The individual:**

- 24 **(A) graduated from a high school located in Indiana; or  
25 (B) received the equivalent of a high school diploma in  
26 Indiana.**

27 **(3) In the case of an individual without lawful immigration  
28 status, the individual files an affidavit with the state  
29 educational institution stating that the individual has filed an  
30 application to legalize the individual's immigration status or  
31 will file an application as soon as the individual is eligible to  
32 legalize the individual's immigration status.**

33 **Sec. 2. The commission shall prescribe the form of the affidavit  
34 described in section 1(b)(3) of this chapter.**

