

SENATE BILL No. 138

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-32-1-6; IC 21-14.

Synopsis: Eligibility for resident tuition. Provides that an individual who meets certain conditions is eligible for the resident tuition rate as determined by the state educational institution. Requires such an individual to verify that the individual meets the criteria to receive the resident tuition rate.

Effective: July 1, 2022.

Doriot

January 4, 2022, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular 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 12-32-1-6, AS AMENDED BY P.L.172-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 6. An agency or a political subdivision required
4 to verify the eligibility of an individual under section 5 of this chapter
5 shall do the following:
6 (1) Require the individual to execute a verification stating under
7 penalty of perjury ~~that the individual:~~ **one (1) of the following:**
8 (A) **The individual** is a United States citizen.
9 (B) **The individual** is a qualified alien (as defined under 8
10 U.S.C. 1641). ~~or~~
11 (C) **The individual** meets the following:
12 (i) The individual is authorized by the federal government to
13 work in the United States as provided under section 6.5 of
14 this chapter.
15 (ii) The individual is executing the verification only for the
16 purpose of applying for a professional or occupational
17 license (as defined **in** section 6.5(a) of this chapter).



(D) The individual:

(i) is not applying for any state or local public benefit or federal public benefit, other than the resident tuition rate, that is provided by the agency or political subdivision; and

(ii) meets the requirements under IC 21-14-11.5-1.

(2) Maintain a verification executed in accordance with subdivision (1) for at least five (5) years.

SECTION 2. IC 21-14-11-1, AS AMENDED BY P.L.180-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) This section does not apply to an individual who was enrolled in a state educational institution on or before July 1, 2011.

(b) **Except as provided in IC 21-14-11.5-1**, an individual who is not lawfully present in the United States is not eligible to pay the resident tuition rate that is determined by the state educational institution.

SECTION 3. IC 21-14-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 11.5. Resident Tuition for Eligible Individuals

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

(b) Except as otherwise provided under federal law and in addition to any individual who would otherwise be eligible for the resident tuition rate, beginning in the fall semester (or its equivalent, as determined by the state educational institution) of the 2022-2023 academic year, an individual is eligible to pay the resident tuition rate that is determined by a state educational institution if:

(1) the individual attended a high school in Indiana for at least four (4) years;

(2) the individual:

(A) graduated from a high school located in Indiana; or

(B) received the equivalent of a high school diploma in Indiana; and

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



1 **Sec. 2. The commission may adopt rules under IC 4-22-2 to**
2 **implement this chapter.**

