Citations Affected:  IC 12-32-1; IC 21-14-11.

Synopsis: Resident tuition rate for undocumented aliens. 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, 2017.

Taylor J

January 9, 2017, read first time and referred to Committee on Education.
HOUSE BILL No. 1149

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:

SECTION 1. IC 12-32-1-2, AS ADDED BY P.L.171-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) As used in this chapter, "federal public benefit" has the meaning set forth in 8 U.S.C. 1611.

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

SECTION 2. IC 12-32-1-3, AS ADDED BY P.L.171-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) As used in this chapter, "state or local public benefit" has the meaning set forth in 8 U.S.C. 1621.

(b) The term includes

1. a postsecondary education award, including a scholarship, a grant, or financial aid. and
2. the resident tuition rate (as determined by the state educational institution).

(c) The term does not include the resident tuition rate (as determined by a state educational institution).
SECTION 3. IC 12-32-1-5, AS AMENDED BY P.L.180-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) Notwithstanding any other provision of law and except as otherwise provided under federal law and subsections (b), (c), and (d), and (e), an agency or a political subdivision shall verify, in the manner required under section 6 of this chapter, the eligibility of any individual who:

(1) is at least eighteen (18) years of age; and

(2) applies for state or local public benefits or federal public benefits that are provided by the agency or the political subdivision.

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

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

(1) office of the secretary of family and social services; or

(2) federal Department of Health and Human Services.

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

(1) The individual is eligible to pay the resident tuition rate of the state educational institution;

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

(A) is provided by the state educational institution; and

(B) would require verification under this chapter;

(3) The individual was enrolled in a state educational institution on or before July 1, 2011;

(4) An agency or a political subdivision is not required to verify the eligibility of an individual as required under subsection (a) if all the following apply:

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

(2) The individual is not applying for any state or local public
benefit or federal public benefit other than the benefit described in subdivision (1) that:
    (A) is provided by the agency or political subdivision; and
    (B) would require verification under this chapter.
(3) The individual is:
    (A) an international student with bona fide legal status; and
    (B) enrolled in a state educational institution.
SECTION 4. IC 21-14-11 IS REPEALED [EFFECTIVE JULY 1, 2017]. (Restrictions on Resident Tuition).