SENATE BILL NO. 304

INTRODUCED BY REGAN

BY REQUEST OF THE BOARD OF REGENTS

IN THE SENATE

FEBRUARY 1, 1989 INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

FEBRUARY 13, 1989 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 14, 1989 PRINTING REPORT.

FEBRUARY 15, 1989 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 16, 1989 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 50; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 17, 1989

FEBRUARY 17, 1989

FEBRUARY 20, 1989

MARCH 4, 1989

MARCH 6, 1989

MARCH 7, 1989

INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 80; NOES, 15.

RETURNED TO SENATE.

IN THE SENATE

MARCH 8, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 1356/01

Senste BILL NO. 304 1 INTRODUCED BY Kard 2 3 BY REQUEST OF THE BOARD OF REGENTS 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD 6 OF REGENTS OF HIGHER EDUCATION TO WAIVE TUITION AND FEES FOR 7 NATIVE AMERICANS, CERTAIN MILITARY VETERANS, AND CERTAIN 8 OTHER PERSONS; ELIMINATING THE STATUTORY WAIVER OF TUITION 9 FOR CERTAIN PERSONS; AMENDING SECTIONS 20-25-421 AND 10 53-30-213, MCA; REPEALING SECTIONS 10-2-311 THROUGH 10-2-314 11 AND 20-25-505, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 12 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 Section 1. Section 20-25-421, MCA, is amended to read: "20-25-421, Charges for tuition -- waiver of 16 17 nonresident fees. The regents may: 18 (1) prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their 19 20 jurisdiction: 21 (2) waive, at their discretion, nonresident tuition 22 for selected and approved nonresident students, not to 23 exceed at any unit 2% of the full-time equivalent enrollment at that unit during the preceding year; except that when 24 25 necessary such tuition may be waived in excess of 2% of unit

enrollment for nonresident students who enroll 1 under 2 provisions of any WICHE-sponsored state reciprocal 3 agreements which provide for the payment, where required, of the student support fee by the reciprocal state; Δ 5 (3) waive resident tuition for students at least 62 6 years of age-; 7 (4) waive tuition and fees for: 8 (a) persons of one-fourth Indian blood or more who: a (i) have been bona fide residents of Montana for at 10 least 1 year prior to enrollment in the Montana university 11 system; 12 (ii) have completed a 4-year course in an accredited 13 high school or federal Indian school; (iii) show financial need; and 14 15 (iv) demonstrate studious and industrious habits; 16 (b) persons designated by the department of family 17 services pursuant to 53-30-213; 18 (c) residents of Montana who served with the armed forces of the United States in any of its wars and who were 19 20 honorably discharged from military service; 21 (d) children of residents of Montana who served with the armed forces of the United States in any of its wars and 22

23 who were killed in action or died as a result of injury,

24 disease, or other disability incurred while in the service

25 of the armed forces of the United States; or

2- INTRODUCED BILL SB 304

LC 1356/01

1 (e) the spouses or children of residents of Montana

2

who have been declared to be prisoners of war."

Section 2. Section 53-30-213, MCA, is amended to read: 3 "53-30-213. University aid to residents of schools. 4 5 The department of family services may on the recommendation of the superintendent authorize a resident of the Mountain 6 View school or Pine Hills school who has completed high 7 school and who is otherwise eligible to receive up to \$800 8 9 per year toward his expenses incurred in attending a unit of 10 the Montana university system. The money may be used for 11 transportation, clothing, books, board, and room and shall 12 be paid in the same manner as other expenses of the school. 13 The--Montana--university-system-shall-not-charge-any-fees-or 14 tuition-for-these-residents- The board of regents of higher 15 education may waive fees and tuition for these residents 16 pursuant to 20-25-421. No more than eight residents of each 17 school may receive these benefits each year. The department 18 shall notify the board of regents before August 1 of each 19 year of the residents it has designated to receive the 20 benefits for the forthcoming school year."

<u>NEW SECTION.</u> Section 3. Repealer. Sections 10-2-311
 through 10-2-314 and 20-25-505, MCA, are repealed.

23 <u>NEW SECTION.</u> Section 4. Extension of authority. Any
 24 existing authority to make rules on the subject of the
 25 provisions of [this act] is extended to the provisions of

1 [this act].

2 <u>NEW SECTION.</u> Section 5. Effective date. [This act] is

3 effective on passage and approval.

-End-

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STATE OF MONTANA - FISCAL NOTE Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>SB304</u>, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill for an act entitled: "An act authorizing the Board of Regents of Higher Education to waive tuition and fees for Native Americans, certain military veterans, and certain other persons; eliminating the statutory waiver of tuition for certain persons; amending Sections 20-25-421 and 53-30-213, MCA; repealing Sections 10-2-311 through 10-2-314 and 20-25-505, MCA; and providing an immediate effective date."

ASSUMPTIONS:

- 1. Annual fee waiver is worth \$837.00
- 2. Currently, 185 fee waivers are being utilized from an eligible base of 35,000. Five surrounding states have a population of 298,000 veterans. Assume a 50% eligibility increase, or 17,500 veterans above the current 35,000.
- 3. Assume ratio of use remains the same (i.e. $185/35,000 \times 17,500$)

FISCAL IMPACT:		FY90		FY91		
	Current	Proposed		Current	Proposed	
	Law	Law	Difference	Law	Law	Difference
Tuition Revenue	\$26,714,329	\$26,637,325	(\$77,004)	\$26,714,329	\$26,637,325	(\$77,004)

LONG-RANGE EFFECTS:

Could possibly encourage a large number of veterans moving to Montana to obtain residency, therefore earning a tuition waiver.

RAY SHACKLEFORD, BUDGET DIRECTOR DATE OFFICE OF BUDGET AND PROGRAM PLANNING

ALA	3/9/89
PAT REAGAN, PAIMARY SPONSOR	DATE
Fiscal Note for SB304, as introduc	ed

SB 304

51st Legislature

SB 0304/02

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

1	SENATE BILL NO. 304
2	INTRODUCED BY REGAN
3	BY REQUEST OF THE BOARD OF REGENTS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD
6	OF REGENTS OF HIGHER EDUCATION TO WAIVE TUITION AND FEES FOR
7	NATIVE AMERICANS, CERTAIN MILITARY VETERANS, AND SURVIVORS
8	OF CERTAIN OTHER-PERSONS VETERANS, FIREFIGHTERS, OR PEACE
9	OFFICERS; ELIMINATING THE STATUTORY WAIVER OF TUITION FOR
10	CERTAIN PERSONS; AMENDING SECTIONS 20-25-421 AND 53-30-213,
11	MCA; REPEALING SECTIONS 10-2-311 THROUGH 10-2-314 AND
12	20-25-505, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	Section 1. Section 20-25-421, MCA, is amended to read:
16	"20-25-421. Charges for tuition waiverof
17	nonresident-fees WAIVERS. The regents may:
18	(1) prescribe tuition rates, matriculation charges,
19	and incidental fees for students in institutions under their
20	jurisdiction;
21	(2) waive;attheirdiscretion; nonresident tuition
22	for selected and approved nonresident students, not to
23	exceed at any unit 2% of the full-time equivalent enrollment
24	at that unit during the preceding year; except that when

L Montana Legislative Council

1	enrollment for nonresident students who enroll under
2	provisions of any WICHE-sponsored state reciprocal
3	agreements which provide for the payment, where required, of
4	the student support fee by the reciprocal state;
5	(3) waive resident tuition for students at least 62
6	years of age r ;
7	(4) waive tuition and fees for:
6	(a) persons of one-fourth Indian blood or more who:
9	(i) have been bona fide residents of Montana for at
10	least 1 year prior to enrollment in the Montana university
11	system;
12	(ii) have completed a 4-year course in an accredited
13	high school or federal Indian school;
14	(iii) show financial need; and
15	(iv) demonstrate studious and industrious habits;
16	(b) persons designated by the department of family
17	services pursuant to 53-30-213;
18	(c) residents of Montana who served with the armed
19	forces of the United States in any of its wars and who were
20	honorably discharged from military service;
21	(d) children of residents of Montana who served with
22	the armed forces of the United States in any of its wars and
23	who were killed in action or died as a result of injury,
24	disease, or other disability incurred while in the service

25 of the armed forces of the United States; or

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SB 304

SECOND READING

SB 304

1	(e) the spouses or children of residents of Montana
2	who have been declared to be prisoners of war $ au$ OR MISSING IN
3	ACTION;
4	(5) WAIVE TUITION CHARGES FOR QUALIFIED SURVIVORS OF
5	MONTANA FIREFIGHTERS OR PEACE OFFICERS KILLED IN THE COURSE
6	AND SCOPE OF EMPLOYMENT. FOR PURPOSES OF THIS SUBSECTION, A
7	QUALIFIED SURVIVOR IS A PERSON WHO MEETS THE ENTRANCE
8	REQUIREMENTS AT THE STATE UNIVERSITY OR COLLEGE OF HIS
9	CHOICE AND IS THE SURVIVING SPOUSE OR CHILD OF ANY OF THE
10	FOLLOWING WHO WERE KILLED IN THE COURSE AND SCOPE OF
11	EMPLOYMENT:
12	(A) A PAID OR VOLUNTEER MEMBER OF A MUNICIPAL OR RURAL
13	FIRE DEPARTMENT;
14	(B) A LAW ENFORCEMENT OFFICER AS DEFINED IN 7-32-201;
15	OR
16	(C) A FULL-TIME HIGHWAY PATROL OFFICER."
17	Section 2. Section 53-30-213, MCA, is amended to read:
18	"53-30-213. University aid to residents of schools.
19	The department of family services may on the recommendation
20	of the superintendent authorize a resident of the Mountain
21	View school or Pine Hills school who has completed high
22	school and who is otherwise eligible to receive up to \$800
23	per year toward his expenses incurred in attending a unit of
24	the Montana university system. The money may be used for
25	transportation, clothing, books, board, and room and shall

1	L	be paid in the same manner as other expenses of the school.
1	2	TheMontanauniversity-system-shall-not-charge-any-fees-or
	3	tuition-for-these-residents. The board of regents of higher
4	4	education may waive fees and tuition for these residents
ç	5	pursuant to 20-25-421. No more than eight residents of each
(6	school may receive these benefits each year. The department
	7	shall notify the board of regents before August 1 of each
1	8	year of the residents it has designated to receive the
9	9	benefits for the forthcoming school year."

<u>NEW SECTION.</u> Section 3. Repealer. Sections 10-2-311
 through 10-2-314 and 20-25-505, MCA, are repealed.
 NEW SECTION. Section 4. Extension of authority. Any

13 existing authority to make rules on the subject of the 14 provisions of [this act] is extended to the provisions of 15 [this act].

16 <u>NEW SECTION.</u> Section 5. Effective date. [This act] is 17 effective on passage and approval.

-End-

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SB 304

SB 0304/02

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1	SENATE BILL NO. 304	1	enrollment for nonresident students who enroll under
2	INTRODUCED BY REGAN	2	provisions of any WICHE-sponsored state reciprocal
3	BY REQUEST OF THE BOARD OF REGENTS	3	agreements which provide for the payment, where required, of
4		4	the student support fee by the reciprocal state;
5	A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD	5	(3) waive resident tuition for students at least 62
6	OF REGENTS OF HIGHER EDUCATION TO WAIVE TUITION AND FEES FOR	6	years of age τ ;
7	NATIVE AMERICANS, CERTAIN MILITARY VETERANS, AND SURVIVORS	7	
. 8	OF CERTAIN OTHER-PERSONS VETERANS, FIREFIGHTERS, OR PEACE	-	
9	OFFICERS; ELIMINATING THE STATUTORY WAIVER OF TUITION FOR	8	(a) persons of one-fourth Indian blood or more who:
10	CERTAIN PERSONS; AMENDING SECTIONS 20-25-421 AND 53-30-213,	9	<u>tit</u> have been bona fide residents of Montana for at
11	MCA; REPEALING SECTIONS 10-2-311 THROUGH 10-2-314 AND	10	least 1 year prior to enrollment in the Montana university
12	20-25-505, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."	11	system;
	20-23-303, MCR; AND PROVIDING AN IMPEDIATE EFFECTIVE DATE.	12	<u>fii)-havecompleteda4-year-course-in-an-accredited</u>
13		13	<u>high-school-or-federal-Indian-school;</u>
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	<u>fiii;-show-financial-need;-and</u>
15	Section 1. Section 20-25-421, MCA, is amended to read:	15	<u>fiv}-demonstrate-studious-and-industrious-habits;</u>
16	"20-25-421. Charges for tuition waiverof	16	(b) persons designated by the department of family
17	nonresident-fees WAIVERS. The regents may:	17	services pursuant to 53-30-213;
18	(1) prescribe tuition rates, matriculation charges,	18	(c) residents of Montana who served with the armed
19	and incidental fees for students in institutions under their	19	forces of the United States in any of its wars and who were
20	jurisdiction;	20	honorably discharged from military service;
21	(2) waiveattheirdiscretion, nonresident tuition	21	(d) children of residents of Montana who served with
22	for selected and approved nonresident students, not to	22	the armed forces of the United States in any of its wars and
23	exceed at any unit 2% of the full-time equivalent enrollment	23	who were killed in action or died as a result of injury,
24	at that unit during the preceding year; except that when	24	disease, or other disability incurred while in the service
25	necessary such tuition may be waived in excess of 2% of unit	25	of the armed forces of the United States; or

Montona Legislative Council

SB 304 THIRD READING AS AMENDED

- 2 -

1	(e) the spouses or children of residents of Montana
2	who have been declared to be prisoners of wart OR MISSING IN
3	AUTION;
4	(5) WAIVE TUITION CHARGES FOR QUALIFIED SURVIVORS OF
5	MONTANA FIREFIGHTERS OR PEACE OFFICERS KILLED IN THE COURSE
6	AND SCOPE OF EMPLOYMENT. FOR PURPOSES OF THIS SUBSECTION, A
7	QUALIFIED SURVIVOR IS A PERSON WHO MEETS THE ENTRANCE
8	REQUIREMENTS AT THE STATE UNIVERSITY OR COLLEGE OF HIS
9	CHOICE AND IS THE SURVIVING SPOUSE OR CHILD OF ANY OF THE
10	FOLLOWING WHO WERE KILLED IN THE COURSE AND SCOPE OF
11	EMPLOYMENT:
12	(A) A PAID OR VOLUNTEER MEMBER OF A MUNICIPAL OR RURAL
13	FIRE DEPARTMENT;
14	(B) A LAW ENFORCEMENT OFFICER AS DEFINED IN 7-32-201;
15	OR
16	(C) A FULL-TIME HIGHWAY PATROL OFFICER."
17	Section 2. Section 53-30-213, MCA, is amended to read:
18	53-30-213. University aid to residents of schools.
19	The department of family services may on the recommendation
20	of the superintendent authorize a resident of the Mountain
21	View school or Pine Hills school who has completed high
22	school and who is otherwise eligible to receive up to \$800
23	per year toward his expenses incurred in attending a unit of
24	the Montana university system. The money may be used for
25	transportation, clothing, books, board, and room and shall
	-3- SB 304

1	be paid in the same manner as other expenses of the school.
2	TheMontanauniversity-system-shall-not-charge-any-fees-or
3	tuition-for-these-residents. The board of regents of higher
4	education may waive fees and tuition for these residents
5	pursuant to 20-25-421. No more than eight residents of each
6	school may receive these benefits each year. The department
7	shall notify the board of regents before August 1 of each
8	year of the residents it has designated to receive the
9	benefits for the forthcoming school year."
	www.encarton Section 3 Penealer Sections 10-2-311

NEW SECTION. Section 3. Repealer. Sections 10-2-311 10 through 10-2-314 and 20-25-505, MCA, are repealed. 11

NEW SECTION. Section 4. Extension of authority. Any 12 existing authority to make rules on the subject of the 13 provisions of [this act] is extended to the provisions of 14 [this act]. 15

NEW SECTION. Section 5. Effective date. [This act] is 16 effective on passage and approval. 17

-End-

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SB 0304/03

51st Legislature

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SB 0304/03

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SENATE BILL NO. 304	1	enrollment for nonresident students who
INTRODUCED BY REGAN	2	provisions of any WICHE-sponsored st
BY REQUEST OF THE BOARD OF REGENTS	3	agreements which provide for the payment, wh
	4	the student support fee by the reciprocal st
A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD	5	(3) waive resident tuition for student
OF REGENTS OF HIGHER EDUCATION TO WAIVE TUITION AND FEES FOR	6	years of age r ;
NATIVE AMERICANS, CERTAIN MILITARY VETERANS, AND SURVIVORS	7	(4) waive tuition and fees for:
OF CERTAIN OTHER-PERSONS VETERANS, FIREFIGHTERS, OR PEACE	8	(a) persons of one-fourth Indian blood
OFFICERS; ELIMINATING THE STATUTORY WAIVER OF TUITION FOR	9	<u>fit have been bona fide residents (</u>
CERTAIN PERSONS; AMENDING SECTIONS 20-25-421 AND 53-30-213,	10	least 1 year prior to enrollment in the Mon
MCA; REPEALING SECTIONS 10-2-311 THROUGH 10-2-314 AND	11	system;
20-25-505, MCA; AND PROVIDING AN IMMEDIATE EPFECTIVE DATE."	12	<u>tii)-havecompleteda4-year-course</u>
	13	<u>high-school-or-federal-Indian-school;</u>
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	14	<u>tiii)-show-financial-need;-and</u>
Section 1. Section 20-25-421, MCA, is amended to read:	15	(iv)-demonstrate-studious-and-industrie
"20-25-421. Charges for tuition waiverof	16	(b) persons designated by the depart
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jurisdiction;	20	honorably discharged from military service;
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SB 0304/03

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high-school-or-federa	<u>1-Indian-school;</u>
(tit)-show-finan	cial-need;-and
	<u>cial-need;-and</u> -studious-and-industrious-habits;
<u>(iv)-demonstrate</u>	
<u>(iv)-demonstrate</u>	-studious-and-industrious-habits; ignated by the department of family
<u>(iv)-demonstrate</u> (b) persons des services pursuant to	-studious-and-industrious-habits; ignated by the department of family
(iv)-demonstrate (b) persons des services pursuant to (c) residents	-studious-and-industrious-habits; ignated by the department of family 53-30-213;
<u>(iv)-demonstrate</u> (b) persons des services pursuant to (c) residents forces of the United	-studious-and-industrious-habits; ignated by the department of family 53-30-213; of Montana who served with the armed
(iv)-demonstrate (b) persons des services pursuant to (c) residents forces of the United honorably discharged	-studious-and-industrious-habits; ignated by the department of family 53-30-213; of Montana who served with the armed States in any of its wars and who were
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<pre>(iv)-demonstrate (b) persons des services pursuant to (c) residents forces of the United honorably discharged (d) children of the armed forces of t</pre>	-studious-and-industrious-habits; ignated by the department of family 53-30-213; of Montana who served with the armed States in any of its wars and who were from military service; of residents of Montana who served with
<pre>(iv)-demonstrate (b) persons des services pursuant to (c) residents forces of the United honorably discharged (d) children c the armed forces of t who were killed in ac</pre>	-studious-and-industrious-habits; ignated by the department of family 53-30-213; of Montana who served with the armed States in any of its wars and who were from military service; of residents of Montana who served with the United States in any of its wars and
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SB 304 REFERENCE BILL

SB 304

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15

[this act].

1	(e) the spouses or children of residents of Montana
2	who have been declared to be prisoners of war; OR MISSING IN
3	ACTION;
4	(5) WAIVE TUITION CHARGES FOR QUALIFIED SURVIVORS OF
5	MONTANA FIREFIGHTERS OR PEACE OFFICERS KILLED IN THE COURSE
6	AND SCOPE OF EMPLOYMENT. FOR PURPOSES OF THIS SUBSECTION, A
7	QUALIFIED SURVIVOR IS A PERSON WHO MEETS THE ENTRANCE
8	REQUIREMENTS AT THE STATE UNIVERSITY OR COLLEGE OF HIS
9	CHOICE AND IS THE SURVIVING SPOUSE OR CHILD OF ANY OF THE
10	FOLLOWING WHO WERE KILLED IN THE COURSE AND SCOPE OF
11	EMPLOYMENT:
12	(A) A PAID OR VOLUNTEER MEMBER OF A MUNICIPAL OR RURAL
13	FIRE DEPARTMENT;
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21	View school or Pine Hills school who has completed high
22	school and who is otherwise eligible to receive up to \$800
23	per year toward his expenses incurred in attending a unit of
24	the Montana university system. The money may be used for
25	transportation, clothing, books, board, and room and shall

-3-

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16 <u>NEW SECTION.</u> Section 5. Effective date. [This act] is 17 effective on passage and approval.

-End-

be paid in the same manner as other expenses of the school.

The--Montana--university-system-shall-not-charge-any-fees-or

tuition-for-these-residents. The board of regents of higher

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SB 304

SB 0304/03

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