

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.
FEBRUARY 17, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES.
FEBRUARY 20, 1989	FIRST READING.
MARCH 4, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 80; NOES, 15.
	RETURNED TO SENATE.

MARCH 8, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Sen. Smith BILL NO. 304  
2 INTRODUCED BY Sen. Smith  
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  
12 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 -- waiver of  
17 nonresident fees. 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, 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  
24 at that unit during the preceding year; except that when  
25 necessary such tuition may be waived in excess of 2% of unit

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;

7 (4) waive tuition and fees for:

8 (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

1 (e) the spouses or children of residents of Montana  
 2 who have been declared to be prisoners of war."

3 **Section 2.** Section 53-30-213, MCA, is amended to read:

4 **"53-30-213. University aid to residents of schools.**

5 The department of family services may on the recommendation  
 6 of the superintendent authorize a resident of the Mountain  
 7 View school or Pine Hills school who has completed high  
 8 school and who is otherwise eligible to receive up to \$800  
 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."

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 22 through 10-2-314 and 20-25-505, MCA, are repealed.

23 **NEW SECTION. 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 **NEW SECTION. Section 5. Effective date.** [This act] is  
 3 effective on passage and approval.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB304, 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.  $185/35,000 * 17,500$ )

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed 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  
OFFICE OF BUDGET AND PROGRAM PLANNING

2/9/89

DATE



PAT REAGAN, PRIMARY SPONSOR

2/9/89

DATE

Fiscal Note for SB304, as introduced

SB 304

APPROVED BY COMM. ON EDUCATION  
AND CULTURAL RESOURCES

SENATE BILL NO. 304

INTRODUCED BY REGAN

BY REQUEST OF THE BOARD OF REGENTS

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 SURVIVORS OF CERTAIN OTHER-PERSONS VETERANS, FIREFIGHTERS, OR PEACE OFFICERS; 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."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-25-421, MCA, is amended to read:

"20-25-421. Charges for tuition -- ~~waiver---~~of ~~nonresident-fees~~ WAIVERS. The regents may:

(1) prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction;

(2) ~~waive,--at--their--discretion,~~ nonresident tuition for selected and approved nonresident students, not to exceed at any unit 2% of the full-time equivalent enrollment at that unit during the preceding year; except that when necessary ~~such~~ tuition may be waived in excess of 2% of unit

enrollment for nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements which provide for the payment, where required, of the student support fee by the reciprocal state;

(3) waive resident tuition for students at least 62 years of age;

(4) waive tuition and fees for:

(a) persons of one-fourth Indian blood or more who:

(i) have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) have completed a 4-year course in an accredited high school or federal Indian school;

(iii) show financial need; and

(iv) demonstrate studious and industrious habits;

(b) persons designated by the department of family services pursuant to 53-30-213;

(c) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

(d) children of residents of Montana who served with the armed forces of the United States in any of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States; or

(e) the spouses or children of residents of Montana who have been declared to be prisoners of war- OR MISSING IN ACTION;

(5) WAIVE TUITION CHARGES FOR QUALIFIED SURVIVORS OF MONTANA FIREFIGHTERS OR PEACE OFFICERS KILLED IN THE COURSE AND SCOPE OF EMPLOYMENT. FOR PURPOSES OF THIS SUBSECTION, A QUALIFIED SURVIVOR IS A PERSON WHO MEETS THE ENTRANCE REQUIREMENTS AT THE STATE UNIVERSITY OR COLLEGE OF HIS CHOICE AND IS THE SURVIVING SPOUSE OR CHILD OF ANY OF THE FOLLOWING WHO WERE KILLED IN THE COURSE AND SCOPE OF EMPLOYMENT:

(A) A PAID OR VOLUNTEER MEMBER OF A MUNICIPAL OR RURAL FIRE DEPARTMENT;

(B) A LAW ENFORCEMENT OFFICER AS DEFINED IN 7-32-201;  
OR

(C) A FULL-TIME HIGHWAY PATROL OFFICER."

**Section 2.** Section 53-30-213, MCA, is amended to read:

"53-30-213. University aid to residents of schools. The department of family services may on the recommendation of the superintendent authorize a resident of the Mountain View school or Pine Hills school who has completed high school and who is otherwise eligible to receive up to \$800 per year toward his expenses incurred in attending a unit of the Montana university system. The money may be used for transportation, clothing, books, board, and room and shall

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 education may waive fees and tuition for these residents pursuant to 20-25-421. No more than eight residents of each school may receive these benefits each year. The department shall notify the board of regents before August 1 of each year of the residents it has designated to receive the benefits for the forthcoming school year."

**NEW SECTION. 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 existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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

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enrollment for nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements which provide for the payment, where required, of the student support fee by the reciprocal state;

(3) waive resident tuition for students at least 62 years of age;

(4) waive tuition and fees for:

(a) persons of one-fourth Indian blood or more who:

(i) have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) have--completed--a--4-year-course-in-an-accredited high-school-or-federal-Indian-school;

(iii) show financial need; and

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(b) persons designated by the department of family services pursuant to 53-30-213;

(c) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

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