

1 HOUSE BILL NO. 17

2 INTRODUCED BY PAVLOVICH

3 BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON VETERANS' NEEDS
45 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING \$380,000 FOR FISCAL YEAR 1998 AND
6 \$760,000 FOR FISCAL YEAR 1999 TO THE DEPARTMENT OF MILITARY AFFAIRS TO AWARD
7 SCHOLARSHIPS PURSUANT TO THE MONTANA NATIONAL GUARD SCHOLARSHIP PROGRAM; AND
8 PROVIDING EFFECTIVE DATES."9
10 WHEREAS, the Montana National Guard is recognized by the highest command levels as an
11 outstanding military organization; and12 WHEREAS, the Montana National Guard has been assigned a force structure that provides
13 exceptional opportunity as it moves into the 21st century; and14 WHEREAS, the Montana National Guard cannot and should not depend solely upon federal programs
15 to entice Montana citizenry to join or stay in the Guard; and16 WHEREAS, the state's investment of \$1.14 million in the Montana National Guard scholarship
17 program could provide to Montana communities approximately \$2 million annually that is currently not
18 being realized in wages and tax revenue.19
20 STATEMENT OF INTENT21 A statement of intent is necessary for this bill because [section 1] authorizes the department of
22 military affairs to adopt rules necessary to implement and administer a national guard scholarship program
23 and provides the department with specific guidelines for the proposed rules.
2425 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
2627 **NEW SECTION. Section 1. Montana national guard scholarship program -- rulemaking.** (1) There
28 is a Montana national guard scholarship program from which the department may award up to 450 national
29 guard scholarships or enhanced scholarships for fiscal year 1998 and up to 900 national guard scholarships
30 or enhanced scholarships for fiscal year 1999 to qualified Montana national guard members.

1 (2) A national guard scholarship:

2 (a) may not exceed:

3 (i) \$400 a semester or \$800 a year; and

4 (ii) a total of \$3,200 over a career, with no limit as to the number of years;

5 (b) is available only during fall and spring semesters unless approved by an army or air education
6 officer;

7 (c) must be based on a 6-year enlistment in or a qualifying reenlistment commitment to the
8 Montana national guard; and

9 (d) is exclusive of the Montgomery GI Bill Act of 1984 (10 U.S.C. 16131 through 16135),
10 enlistment bonuses, or any other federal incentive or entitlement.

11 (3) An enhanced scholarship is a scholarship that is awarded in addition to a national guard
12 scholarship and that:

13 (a) may not exceed:

14 (i) \$200 a semester or \$400 a year; and

15 (ii) a total of \$1,600 over a career, with no limit as to the number of years; and

16 (b) is available only to members of identified priority units.

17 (4) Pursuant to Title 2, chapter 4, the adjutant general shall adopt rules necessary to implement
18 and administer the provisions of this section, including rules that:

19 (a) outline the selection and qualification criteria for scholarship applicants;

20 (b) define the terms used in the scholarship program; and

21 (c) establish procedures and forms to be used by scholarship applicants.

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23 **NEW SECTION. Section 2. Appropriation.** The following money is appropriated from the general
24 fund to the department of military affairs to award scholarships pursuant to the Montana national guard
25 scholarship program created in [section 1]:

26 Fiscal year 1998 \$380,000

27 Fiscal year 1999 \$760,000

28

29 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
30 integral part of Title 10, chapter 1, part 1, and the provisions of Title 10, chapter 1, part 1, apply to

1 [section 1].

2

3 NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act]
4 is effective July 1, 1997.

5 (2) [Section 1(4) and this section] are effective on passage and approval.

6

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0017, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act appropriating \$380,000 for fiscal year 1998 and \$760,000 for fiscal year 1999 to the Department of Military Affairs to award scholarships pursuant to the Montana National Guard scholarship program.

ASSUMPTIONS:

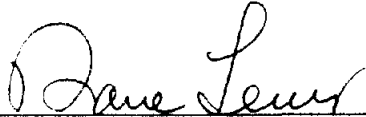
1. The Montana National Guard will establish written procedures for the scholarship program.
2. One FTE is needed to implement the program. The position is estimated to be an accounting technician at an annual cost of \$23,596, including benefits.
3. Operating expenses for the position will be \$1,140 for fiscal year 1998 and \$990 for fiscal year 1999.
4. Equipment costs for fiscal year 1998, to include a personal computer system and office equipment, are estimated at \$5,000.
5. The number of scholarships and continuation of committed scholarships will be contingent upon available appropriations from the legislature.
6. The Montana National Guard scholarship program will be supported with general fund.

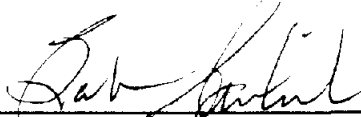
FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
FTE	1.00	1.00
Personal Services	23,596	23,596
Operating Expenses	1,140	990
Equipment	5,000	0
Scholarships	<u>350,264</u>	<u>735,414</u>
 Total	 380,000	 760,000
 <u>Funding:</u>		
General Fund (01)	380,000	760,000

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The scholarship program will assist the Montana National Guard with recruitment and retention.

 1-7-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 BOB PAVLOVICH, PRIMARY SPONSOR DATE
 Fiscal Note for HB0017, as introduced

HOUSE BILL NO. 17

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BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON VETERANS' NEEDS

A BILL FOR AN ACT ENTITLED: "~~AN ACT APPROPRIATING \$380,000 FOR FISCAL YEAR 1998 AND \$760,000 FOR FISCAL YEAR 1999 TO THE DEPARTMENT OF MILITARY AFFAIRS TO AWARD SCHOLARSHIPS~~ AUTHORIZING THE BOARD OF REGENTS TO PROVIDE TUITION WAIVERS PURSUANT TO THE MONTANA NATIONAL GUARD SCHOLARSHIP EDUCATION BENEFIT PROGRAM; AMENDING SECTION 20-25-421, MCA; AND PROVIDING EFFECTIVE DATES."

WHEREAS, the Montana National Guard is recognized by the highest command levels as an outstanding military organization; and .

WHEREAS, the Montana National Guard has been assigned a force structure that provides exceptional opportunity as it moves into the 21st century; and

WHEREAS, the Montana National Guard cannot and should not depend solely upon federal programs to entice Montana citizenry to join or stay in the Guard; and

WHEREAS, the state's investment of ~~\$1.14 million~~ in the Montana National Guard scholarship EDUCATION BENEFIT program could provide to Montana communities ~~approximately \$2 million annually~~ AN ECONOMIC BENEFIT that is currently not being realized in wages and tax revenue.

STATEMENT OF INTENT

A statement of intent is necessary for this bill because [section 1] authorizes the department of military affairs to adopt rules necessary to implement and administer a national guard scholarship EDUCATION BENEFIT program and provides the department with specific guidelines for the proposed rules.

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

NEW SECTION. **Section 1. Montana national guard scholarship EDUCATION BENEFIT program -- rulemaking.** (1) There is a Montana national guard scholarship EDUCATION BENEFIT program from which the department may ~~award up to 450 national guard scholarships or enhanced scholarships for fiscal year~~

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6 ~~(iii) a total of \$3,200 over a career, with no limit as to the number of years~~ EDUCATION BENEFIT:

7 (A) MUST BE USED WITHIN 10 YEARS OF THE FIRST AWARD;

8 (b) is available only during fall and spring semesters unless approved by an army or air education
 9 officer;

10 (c) must be based on a 6-year enlistment in or a qualifying reenlistment commitment to the
 11 Montana national guard; and

12 (D) MAY BE AWARDED ONLY TO MEMBERS WHO, AT THE TIME OF THE AWARD, HOLD THE
 13 MILITARY GRADE OF:

14 (I) OFFICER, GRADE 1 OR 2;

15 (II) WARRANT OFFICER, GRADE 1 OR 2; OR

16 (III) ENLISTED, GRADES 1 THROUGH 7;

17 (E) MAY NOT BE USED FOR SECOND OR SUBSEQUENT UNDERGRADUATE DEGREES OR FOR
 18 GRADUATE DEGREES; AND

19 ~~(F)~~ is exclusive of the Montgomery GI Bill Act of 1984 (10 U.S.C. 16131 through 16135),
 20 enlistment bonuses, or any other federal incentive or entitlement.

21 (3) An enhanced ~~scholarship~~ EDUCATION BENEFIT is a ~~scholarship~~ AN EDUCATION BENEFIT that
 22 is awarded in addition to a national guard ~~scholarship~~ EDUCATION BENEFIT and that:

23 ~~(a) may not exceed:~~

24 ~~(i) \$200 a semester or \$400 a year; and~~

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26 ~~(b) is available only to members of~~ ASSIGNED TO PERFORM identified ~~priority units~~ CRITICAL
 27 SKILLS.

28 (4) Pursuant to Title 2, chapter 4, the adjutant general shall adopt rules necessary to implement
 29 and administer the provisions of this section, including rules that:

30 (a) outline the selection and qualification criteria for scholarship applicants;

- 1 (b) define the terms used in the scholarship program; and
 2 (c) establish procedures and forms to be used by scholarship applicants.

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 4 ~~NEW SECTION. Section 2. Appropriation. The following money is appropriated from the general~~
 5 ~~fund to the department of military affairs to award scholarships pursuant to the Montana national guard~~
 6 ~~scholarship program created in [section 1]:~~

7 Fiscal year 1998 _____ \$380,000
 8 Fiscal year 1999 _____ \$760,000

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 10 **SECTION 2. SECTION 20-25-421, MCA, IS AMENDED TO READ:**

- 11 **"20-25-421. Charges for tuition -- waivers.** The regents may:
 12 (1) prescribe tuition rates, matriculation charges, and incidental fees for students in institutions
 13 under their jurisdiction;
 14 (2) waive nonresident tuition for selected and approved nonresident students, not to exceed at any
 15 unit 2% of the full-time equivalent enrollment at that unit during the preceding year; except that when
 16 necessary, tuition may be waived in excess of 2% of unit enrollment for nonresident students who enroll
 17 under provisions of any WICHE-sponsored state reciprocal agreements ~~which that~~ provide for the payment,
 18 ~~where~~ when required, of the student support fee by the reciprocal state;
 19 (3) waive resident tuition for students at least 62 years of age;
 20 (4) waive tuition and fees for:
 21 (a) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for
 22 at least 1 year prior to enrollment in the Montana university system;
 23 (b) persons designated by the department of corrections pursuant to 52-5-112;
 24 (c) residents of Montana who served with the armed forces of the United States in any of its wars
 25 and who were honorably discharged from military service;
 26 (d) children of residents of Montana who served with the armed forces of the United States in any
 27 of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred
 28 while in the service of the armed forces of the United States; or
 29 (e) the spouses or children of residents of Montana who have been declared to be prisoners of war
 30 or missing in action;

1 (5) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in
2 the course and scope of employment. For purposes of this subsection, a qualified survivor is a person who
3 meets the entrance requirements at the state university or college of the person's choice and is the
4 surviving spouse or child of any of the following who were killed in the course and scope of employment:

5 (a) a paid or volunteer member of a municipal or rural fire department;

6 (b) a law enforcement officer as defined in 7-32-201; or

7 (c) a full-time highway patrol officer.

8 (6) waive tuition for up to 5,000 credits each academic year in accordance with the national guard
9 education benefit program provided for in [section 1]."

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11 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
12 integral part of Title 10, chapter 1, part 1, and the provisions of Title 10, chapter 1, part 1, apply to
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11 **"20-25-421. Charges for tuition -- waivers.** The regents may:

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

14 (2) waive nonresident tuition for selected and approved nonresident students, not to exceed at any
 15 unit 2% of the full-time equivalent enrollment at that unit during the preceding year; except that when
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 18 ~~where~~ when required, of the student support fee by the reciprocal state;

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

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 22 at least 1 year prior to enrollment in the Montana university system;

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22 A statement of intent is necessary for this bill because [section 1] authorizes the department of
 23 military affairs to adopt rules necessary to implement and administer a national guard scholarship
 24 EDUCATION BENEFIT program and provides the department with specific guidelines for the proposed rules.

25
 26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

27
 28 NEW SECTION. Section 1. Montana national guard scholarship EDUCATION BENEFIT program --
 29 rulemaking. (1) There is a Montana national guard scholarship EDUCATION BENEFIT program from which
 30 the department may ~~award up to 450 national guard scholarships or enhanced scholarships for fiscal year~~

1 ~~1998 and up to 900 national guard scholarships or enhanced scholarships for fiscal year 1999 to~~
2 RECOMMEND TUITION WAIVERS FOR qualified Montana national guard members.

3 (2) A national guard ~~scholarship:~~

4 ~~(a) may not exceed:~~

5 ~~(i) \$400 a semester or \$800 a year; and~~

6 ~~(iii) a total of \$3,200 over a career, with no limit as to the number of years~~ EDUCATION BENEFIT:

7 (A) MUST BE USED WITHIN 10 YEARS OF THE FIRST AWARD;

8 (b) is available only during fall and spring semesters unless approved by an army or air education
9 officer;

10 (c) must be based on a 6-year enlistment in or a qualifying reenlistment commitment to the
11 Montana national guard; ~~and~~

12 (D) MAY BE AWARDED ONLY TO MEMBERS WHO, AT THE TIME OF THE AWARD, HOLD THE
13 MILITARY GRADE OF:

14 (I) OFFICER, GRADE 1 OR 2;

15 (II) WARRANT OFFICER, GRADE 1 OR 2; OR

16 (III) ENLISTED, GRADES 1 THROUGH 7;

17 (E) MAY NOT BE USED FOR SECOND OR SUBSEQUENT UNDERGRADUATE DEGREES OR FOR
18 GRADUATE DEGREES; AND

19 ~~(F)~~ (F) is exclusive of the Montgomery GI Bill Act of 1984 (10 U.S.C. 16131 through 16135),
20 enlistment bonuses, or any other federal incentive or entitlement.

21 (3) An enhanced ~~scholarship~~ EDUCATION BENEFIT is a ~~scholarship~~ AN EDUCATION BENEFIT that
22 is awarded in addition to a national guard ~~scholarship~~ EDUCATION BENEFIT and that:

23 ~~(a) may not exceed:~~

24 ~~(i) \$200 a semester or \$400 a year; and~~

25 ~~(iii) a total of \$1,600 over a career, with no limit as to the number of years; and~~

26 (b) is available only to members of ASSIGNED TO PERFORM identified ~~priority units~~ CRITICAL
27 SKILLS.

28 (4) Pursuant to Title 2, chapter 4, the adjutant general shall adopt rules necessary to implement
29 and administer the provisions of this section, including rules that:

30 (a) outline the selection and qualification criteria for scholarship applicants;

1 (b) define the terms used in the scholarship program; and

2 (c) establish procedures and forms to be used by scholarship applicants.

3
4 ~~NEW SECTION. Section 2. Appropriation. The following money is appropriated from the general~~
5 ~~fund to the department of military affairs to award scholarships pursuant to the Montana national guard~~
6 ~~scholarship program created in (section 1):~~

7 ~~Fiscal year 1998 _____ \$380,000~~

8 ~~Fiscal year 1999 _____ \$760,000~~

9
10 **SECTION 2. SECTION 20-25-421, MCA, IS AMENDED TO READ:**

11 **"20-25-421. Charges for tuition -- waivers.** The regents may:

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

14 (2) waive nonresident tuition for selected and approved nonresident students, not to exceed at any
15 unit 2% of the full-time equivalent enrollment at that unit during the preceding year; except that when
16 necessary, tuition may be waived in excess of 2% of unit enrollment for nonresident students who enroll
17 under provisions of any WICHE-sponsored state reciprocal agreements ~~which that~~ provide for the payment,
18 ~~where~~ when required, of the student support fee by the reciprocal state;

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

20 (4) waive tuition and fees for:

21 (a) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for
22 at least 1 year prior to enrollment in the Montana university system;

23 (b) persons designated by the department of corrections pursuant to 52-5-112;

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

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

29 (e) the spouses or children of residents of Montana who have been declared to be prisoners of war
30 or missing in action;

1 (5) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in
2 the course and scope of employment. For purposes of this subsection, a qualified survivor is a person who
3 meets the entrance requirements at the state university or college of the person's choice and is the
4 surviving spouse or child of any of the following who were killed in the course and scope of employment:

5 (a) a paid or volunteer member of a municipal or rural fire department;

6 (b) a law enforcement officer as defined in 7-32-201; or

7 (c) a full-time highway patrol officer.

8 (6) waive tuition, WHEN SPACE IS AVAILABLE IN THE SPECIFIC CLASS REQUESTED, for up to
9 5,000 credits each academic year in accordance with the national guard education benefit program provided
10 for in [section 1]. CREDITS EARNED BY STUDENTS AWARDED TUITION WAIVERS UNDER THIS SECTION
11 MUST BE COUNTED TOWARD THE MAXIMUM SUBSIDIZED CREDITS ALLOWED EACH RESIDENT
12 STUDENT UNDER THE REGENTS' POLICY. CREDIT HOURS FOR WHICH TUITION IS WAIVED UNDER THIS
13 SECTION MAY NOT BE COUNTED TOWARD MEETING THE STUDENT'S COMMITMENT TO QUALIFY FOR
14 A 4-YEAR GRADUATION GUARANTEE."

15
16 NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 10, chapter 1, part 1, and the provisions of Title 10, chapter 1, part 1, apply to
18 [section 1].

19
20 NEW SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2), [this act]
21 is effective July 1, 1997.

22 (2) [Section 1(4) and this section] are effective on passage and approval.

23 -END-



FREE CONFERENCE COMMITTEE

on House Bill 17
Report No. 1, April 17, 1997

Page 1 of 2

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 17** (reference copy -- salmon) and recommend that **House Bill 17** be amended as follows:

1. Page 3, line 11.
Following: "waivers."
Insert: "(1)"
Strike: ":"
2. Page 3, line 12.
Strike: "(1)"
3. Page 3, line 13.
Strike: ";"
Insert: "."
4. Page 3, line 14.
Following: "(2)"
Insert: "The regents may:"
(a)"
5. Page 3, line 19.
Strike: "(3)"
Insert: "(b)"
Renumber: subsequent subsections
6. Page 3, line 21.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections
7. Page 4, line 5.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections

ADOPT

REJECT

FCCR#1

AC HB 17-1

821532CC.Hgd

HB 17

8. Page 4, line 8.

Strike: "(6)"

Insert: "(3) If funds are available after the waivers provided
for in subsection (2), the regents may"

Following: "tuition"

Strike: ", WHEN SPACE IS AVAILABLE IN THE SPECIFIC CLASS
REQUESTED."

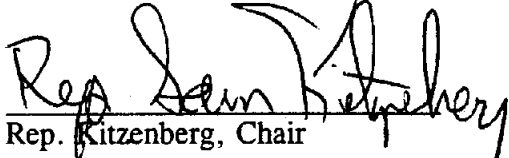
9. Page 4, lines 10 through 14.


Following: "."


Strike: remainder of line 10 through "." on line 14

And this FREE Conference Committee report be adopted.

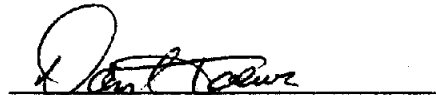
For the House:


Rep. Kitzenberg, Chair

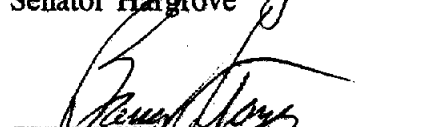

Rep. Wiseman


Rep. Pavlovich

For the Senate:


Senator Joews, Chair


Senator Hargrove


Senator Stang

HOUSE BILL NO. 17

INTRODUCED BY PAVLOVICH

BY REQUEST OF THE JOINT INTERIM SUBCOMMITTEE ON VETERANS' NEEDS

A BILL FOR AN ACT ENTITLED: "~~AN ACT APPROPRIATING \$380,000 FOR FISCAL YEAR 1998 AND \$760,000 FOR FISCAL YEAR 1999 TO THE DEPARTMENT OF MILITARY AFFAIRS TO AWARD SCHOLARSHIPS~~ AUTHORIZING THE BOARD OF REGENTS TO PROVIDE TUITION WAIVERS PURSUANT TO THE MONTANA NATIONAL GUARD SCHOLARSHIP EDUCATION BENEFIT PROGRAM; AMENDING SECTION 20-25-421, MCA; AND PROVIDING EFFECTIVE DATES."

WHEREAS, the Montana National Guard is recognized by the highest command levels as an outstanding military organization; and

WHEREAS, the Montana National Guard has been assigned a force structure that provides exceptional opportunity as it moves into the 21st century; and

WHEREAS, the Montana National Guard cannot and should not depend solely upon federal programs to entice Montana citizenry to join or stay in the Guard; and

WHEREAS, the state's investment of ~~\$1.14 million~~ in the Montana National Guard ~~scholarship~~ EDUCATION BENEFIT program could provide to Montana communities ~~approximately \$2 million annually~~ AN ECONOMIC BENEFIT that is currently not being realized in wages and tax revenue.

STATEMENT OF INTENT

A statement of intent is necessary for this bill because [section 1] authorizes the department of military affairs to adopt rules necessary to implement and administer a national guard ~~scholarship~~ EDUCATION BENEFIT program and provides the department with specific guidelines for the proposed rules.

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

NEW SECTION. Section 1. Montana national guard ~~scholarship~~ EDUCATION BENEFIT program -- rulemaking. (1) There is a Montana national guard ~~scholarship~~ EDUCATION BENEFIT program from which the department may ~~award up to 450 national guard scholarships or enhanced scholarships for fiscal year~~



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~~(e)~~**(V)** the spouses or children of residents of Montana who have been declared to be prisoners of

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9 ~~(6)(3) IF FUNDS ARE AVAILABLE AFTER THE WAIVERS PROVIDED FOR IN SUBSECTION (2), THE~~
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14 ~~RESIDENT STUDENT UNDER THE REGENTS' POLICY. CREDIT HOURS FOR WHICH TUITION IS WAIVED~~
15 ~~UNDER THIS SECTION MAY NOT BE COUNTED TOWARD MEETING THE STUDENT'S COMMITMENT TO~~
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