

1 SENATE BILL NO. 210

2 INTRODUCED BY ELLIOTT, BOHLINGER, JENT, ROUSH, TESTER, TROPILA, CALLAHAN, WHEAT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A TUITION BENEFIT FOR MONTANA
5 VETERANS WITH A RECORD OF COMBAT DUTY IN THE WAR ON TERROR OR TO THEIR SPOUSES AND
6 THEIR DEPENDENTS; SETTING LIMITS ON THE USE OF THE TUITION BENEFIT AND ON THE NUMBER
7 AWARDED ANNUALLY; PROVIDING A PROCEDURE FOR APPLICATION; PROVIDING THE BOARD OF
8 REGENTS AND THE DEPARTMENT OF ADMINISTRATION WITH RULEMAKING AUTHORITY TO
9 IMPLEMENT THE TUITION BENEFIT PROGRAM; AND PROVIDING EFFECTIVE DATES."

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11 WHEREAS, the terrorist actions of September 11, 2001, changed American foreign policy irrevocably
12 and the Legislature supports and appreciates the successful efforts of our President to choose diplomacy over
13 military action where warranted and favors firm and sensible diplomacy--especially in securing international
14 support for our policies--over the use of military force, while realizing that diplomacy may fail to be the best
15 avenue in securing the safety of our nation and that military action may then be needed; and

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17 WHEREAS, diplomacy is conducted by statesmen, but war is conducted by a nation's youth and the
18 Legislature resolves to express our patriotism and love for America by offering to those men and women of
19 Montana who put themselves in harm's way in the defense of our nation a concrete token of our thanks and
20 esteem; and

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22 WHEREAS, for those who fight for our national security, it is the policy of the State of Montana to assist
23 in providing economic security by providing special consideration for Montana's members of the military, as
24 allowed by Article II, section 35, of the Montana Constitution, through tuition benefits for higher education, which
25 is universally recognized as a major benefit in individual economic success.

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

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29 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], the following definitions
30 apply:

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(1) "Combat zone" means an area:

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(a) designated by the president of the United States under executive order for the period starting with

1 the date of the executive order and continuing until the executive order is terminated;

2 (b) determined under regulations of the secretary of defense to be an area where a member of the
3 active armed forces of the United States, the national guard, or the military reserves was subjected to hostile
4 fire or imminent danger while on duty and was eligible for special pay authorized under 37 U.S.C. 310; or

5 (c) determined for tax purposes by the internal revenue service to involve terroristic or military action
6 as defined in 26 U.S.C. 692(c)(2).

7 (2) "Resident of Montana" means, within the provisions of 1-1-215 for determining residence, a person
8 who is eligible to pay Montana in-state tuition and is eligible to vote in Montana. However, a member of the U.S.
9 armed forces who is assigned to and residing in Montana is not a resident unless the person indicates an
10 intention to establish a residence in Montana.

11 (3) "U.S. armed forces" means the active military forces of the United States, the military reserves, and
12 the Montana national guard.

13 (4) "Veteran" means a resident of Montana, has the same meaning provided in 10-2-101, and includes
14 members of the Montana national guard or military reserve who served in a domestic combat zone during the
15 war on terror pursuant to subsection (1)(c) or who have been honorably discharged from federal active duty.

16 (5) "War on terror" means the U.S. campaign against international terrorism that began with the attack
17 against U.S. citizens and property on September 11, 2001, and was approved by congress on September 18,
18 2001, as Public Law 107-40.

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20 **NEW SECTION. Section 2. Tuition paid for certain veterans and dependents.** (1) The department
21 of administration shall provide up to 4 years of paid tuition out of the general fund directly to a unit of the
22 Montana university system for UP TO 20 ELIGIBLE VETERANS IN EACH FISCAL YEAR. TO BE ELIGIBLE, A PERSON MUST
23 BE:

24 (a) a veteran who enlisted in the U.S. armed forces while a resident of Montana and who served with
25 the U.S. armed forces in a combat zone during the war on terror and was honorably discharged from federal
26 active duty after [the effective date of section 1]; or

27 (b) a veteran's spouse or child, in a case in which the veteran:

28 (i) was killed during service in the war on terror in a combat zone after September 18, 2001; or

29 (ii) was determined by the U.S. department of veterans affairs to have a disability or a combination of
30 disabilities rated at 100% as a result of service in a combat zone during the war on terror and was honorably

1 discharged from federal active duty after [the effective date of section 1]. A veteran who is 100% disabled may
 2 either personally use the tuition benefit or assign the benefit to a spouse or to one or more children who are
 3 under 20 years of age and who were dependent on the veteran at the time of the veteran's discharge from
 4 military service.

5 (2) The tuition benefit is in addition to other benefits provided by the state, including those described
 6 in 10-1-121 and 20-25-421.

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8 **NEW SECTION. Section 3. Limits on tuition benefit.** (1) To receive a tuition benefit:

9 (a) the veteran shall apply for the benefit within 5 years after being honorably discharged from federal
 10 active duty with the U.S. armed forces;

11 (b) the veteran's spouse shall apply for the benefit within 5 years after the veteran's death or, in the case
 12 of a 100% disabled veteran assigning the benefit to the spouse, within 5 years after the date of determination
 13 of 100% disability by the U.S. department of veterans affairs; or

14 (c) the veteran's child may apply until the child reaches 20 years of age.

15 (2) The tuition benefit must be used within 5 years after application for benefits.

16 (3) The tuition benefit may not be used for graduate study.

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18 **NEW SECTION. Section 4. Procedure for applying for tuition benefit -- rulemaking.** (1) THE
 19 VETERAN, THE VETERAN'S SPOUSE, OR THE VETERAN'S CHILD SHALL APPLY TO THE DEPARTMENT OF ADMINISTRATION FOR
 20 THE TUITION BENEFIT ON A FORM SUPPLIED BY THE DEPARTMENT. THE APPLICATION MUST BE SUBMITTED BY JUNE 30 OF
 21 EACH YEAR. BY A DRAWING, THE DEPARTMENT SHALL SELECT UP TO 20 APPLICANTS TO RECEIVE THE TUITION BENEFIT.
 22 THE DEPARTMENT SHALL ADOPT RULES TO IMPLEMENT THIS SUBSECTION.

23 ~~(1)~~(2) The veteran, the veteran's spouse, or the veteran's child shall provide a notarized copy of the
 24 veteran's U.S. department of defense form 214 (DD-214) to be used to determine eligibility for the benefit. The
 25 form must be presented to the registrar's office at the unit of the university system for which a tuition benefit is
 26 being sought.

27 ~~(2)~~(3) The board of regents shall adopt rules to implement procedures for:

28 (a) obtaining reimbursement from the state for the tuition benefits;

29 (b) keeping a record of the use of the tuition benefit provided for in [section 2]; and

30 (c) reporting to the legislature in 2005 on the use of the tuition benefit.

