

SENATE BILL NO. 238

INTRODUCED BY D. TOEWS

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A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING NATIONAL GUARD TUITION WAIVERS IN THE UNIVERSITY SYSTEM; AMENDING SECTION 20-25-421, MCA; REPEALING SECTION 10-1-121, MCA; AND PROVIDING AN 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 -- waivers.** (1) The regents may prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction.

(2) The regents may:

(a) waive 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; however, when necessary, 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 that provide for the payment, when required, of the student support fee by the reciprocal state;

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

(c) waive tuition and fees for:

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

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

(iii) 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;

(iv) 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;

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

1 (vi) the spouse or children of a Montana national guard member who was killed or died as a result of  
2 injury, disease, or other disability incurred in the line of duty while serving on state active duty;

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

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

8 (ii) a law enforcement officer as defined in 7-32-201; or

9 (iii) a full-time highway patrol officer.

10 ~~(3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition~~  
11 ~~for up to 5,000 credits each academic year in accordance with the national guard education benefit program~~  
12 ~~provided for in 10-1-121."~~

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14 NEW SECTION. **Section 2. Repealer.** Section 10-1-121, MCA, is repealed.

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16 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1999.

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