

## SENATE JOINT RESOLUTION NO. 3

INTRODUCED BY B. TASH

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE BOARD OF REGENTS TO ADOPT POLICIES GRANTING A MEMBER OF THE MILITARY WHO IS CALLED OR ORDERED TO ACTIVE MILITARY DUTY OTHER THAN ACTIVE DUTY FOR TRAINING, INCLUDING, IN THE CASE OF MEMBERS OF THE MONTANA NATIONAL GUARD, ACTIVE DUTY AS PROVIDED FOR IN ARTICLE VI, SECTION 13, OF THE MONTANA CONSTITUTION, AN EDUCATIONAL LEAVE OF ABSENCE UPON RELEASE FROM ACTIVE DUTY; URGING RESTORING A MEMBER UPON RELEASE FROM ACTIVE DUTY TO THE EDUCATIONAL STATUS ATTAINED PRIOR TO BEING CALLED OR ORDERED INTO ACTIVE DUTY; AND URGING REFUNDING OR PROVIDING A CREDIT FOR TUITION OR FEES PAID BY A MILITARY MEMBER WHO IS SUBSEQUENTLY ORDERED TO ACTIVE DUTY.

WHEREAS, as commander-in-chief of the militia forces of Montana, except when forces are in the actual service of the United States, the Governor may call out any of the militia forces to aid in the execution of laws, suppress insurrection, repel invasion, or protect life and property in natural disasters or disasters caused by human activity; and

WHEREAS, from July 23, 2000, to September 7, 2001, 2,076 soldiers and aircrew members from the Montana Army and Air National Guard were called for state active duty in support of 17 wildland fire incidents in Montana; and

WHEREAS, since the terrorist attacks on September 11, 2001, the Montana Army and Air National Guard have mobilized and deployed more than 1,200 soldiers and aircrew members for active military duty, including state and federal active duty to support federal security operations and security operations for the National Emergency Managers Conference in Big Sky, Montana, to support Operation Enduring Freedom in Southeast Asia and stabilization forces in Bosnia, to support federal efforts for Operation Installation Security in Montana and support for Operation Airport Security by deploying soldiers and aircrew to protect Montana's 14 airports, to provide security for the 2002 Winter Olympics in Utah, and to support federal security efforts by providing soldiers at 10 points of embarkation along the Montana-Canadian border; and

WHEREAS, these mobilizations and deployments of Montana Army and Air National Guard members include many students whose call to active military duty requires them to suspend their education at Montana

postsecondary institutions; and

WHEREAS, a student who is called or ordered to active military duty after enrolling in a postsecondary institution suffers the financial hardship caused by absences from school after enrollment, the loss of an opportunity to receive credit for courses, the loss of priority status for reenrollment in courses upon return from active military duty, and the possible loss of scholarships, grants, and fee waivers; and

WHEREAS, the granting of educational benefits in lieu of direct funding remains one of the most effective tools for recruiting and retaining a trained and ready military force.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Board of Regents be strongly urged to adopt a policy:

(1) granting a military leave of absence from education to a member of the Montana National Guard or other reserve component of the United States armed forces who is called or ordered to active duty other than active duty for training, including, in the case of a member of the Montana National Guard, a member who is called or ordered to active state duty as provided for in Article VI, section 13, of the Montana Constitution;

(2) restoring a member on military leave of absence to the full educational benefits that the member had attained prior to being called or ordered to active military duty, including any academic credits earned or scholarships, grants, or fee waivers received; and

(3) at the option of the student returning from an educational military leave of absence, refund tuition or fees paid by the member or provide a credit for tuition and fees paid by the member for the subsequent semester or academic year.

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