

HOUSE BILL NO. 576

INTRODUCED BY G. HERTZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA RESIDENT STUDENT SCHOLARSHIP
5 PROGRAM TO PROVIDE FOR SCHOLARSHIPS TO COMPENSATE FOR TUITION INCREASES;
6 ESTABLISHING ELIGIBILITY; REQUIRING THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION
7 TO CALCULATE THE AMOUNT THAT WOULD BE NECESSARY TO REIMBURSE ELIGIBLE STUDENTS FOR
8 A TUITION INCREASE AND TO PROVIDE THAT INFORMATION TO THE STATE TREASURER; PROVIDING
9 A STATUTORY APPROPRIATION TO THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION;
10 REQUIRING THE OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION TO ADOPT RULES FOR
11 ADMINISTRATION OF THE PROGRAM; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN
12 EFFECTIVE DATE AND A TERMINATION DATE."

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

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16 NEW SECTION. **Section 1. Montana resident student scholarship program -- eligibility --**
17 **commissioner to adopt rules.** (1) There is a Montana resident student scholarship program administered by
18 the board through the office of the commissioner of higher education.

19 (2) The purpose of the program is to provide scholarships on the basis of attendance and merit to
20 Montana residents toward the cost of attendance at 2-year and 4-year postsecondary institutions to compensate
21 for any increase in tuition implemented by the board.

22 (3) To be eligible for a scholarship award under this section, a person:

- 23 (a) must be a Montana resident eligible for in-state tuition;
- 24 (b) must have earned a cumulative grade point average of at least 2.6; and
- 25 (c) must be enrolled as a full-time full-year student at a postsecondary institution.

26 (4) (a) A person enrolled at a 2-year postsecondary institution is eligible for a scholarship award under
27 this section for a period of five semesters from the date of the person's original enrollment at any postsecondary
28 institution.

29 (b) A person enrolled at a 4-year postsecondary institution is eligible for a scholarship award under this
30 section for a period of 10 semesters from the date of the person's original enrollment at any postsecondary

1 institution.

2 (c) A person is not eligible for a scholarship award under this section during the person's first academic
3 year of enrollment at a postsecondary institution.

4 (5) Upon a determination by the board to increase tuition rates as provided in 20-25-421, the office of
5 the commissioner of higher education shall calculate the amount that in-state tuition would increase for a full-time
6 full-year resident student at a 2-year and a 4-year postsecondary institution and shall calculate the total amount
7 necessary to reimburse each student who meets the eligibility criteria in subsections (3) and (4) for the increase
8 to in-state tuition rates for the ensuing academic year.

9 (6) The office of the commissioner of higher education shall notify the state treasurer of the total amount
10 of money that is necessary to reimburse students for the tuition increase.

11 (7) The amount of money that is necessary to reimburse the students is statutorily appropriated to the
12 office of the commissioner of higher education, as provided in 17-7-502, for the purposes of the scholarship
13 program.

14 (8) The commissioner of higher education shall adopt rules for administration of the program, including
15 procedures for students to apply for scholarship awards, procedures for awarding the scholarships, and
16 procedures for fiscal controls, fund accounting, and necessary reports.

17 (9) For the purposes of this section "postsecondary institution" has the meaning provided in 20-26-603.

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19 **Section 2.** Section 17-7-502, MCA, is amended to read:

20 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
21 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
22 need for a biennial legislative appropriation or budget amendment.

23 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
24 of the following provisions:

25 (a) The law containing the statutory authority must be listed in subsection (3).

26 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
27 appropriation is made as provided in this section.

28 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
29 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
30 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;

1 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;
 2 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
 3 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [section 1]; 20-26-1503; 22-3-1004; 23-4-105;
 4 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011;
 5 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115;
 6 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222;
 7 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603;
 8 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

9 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 10 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 11 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 12 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 13 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 14 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 15 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
 16 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.
 17 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and
 18 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.
 19 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the
 20 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621
 21 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,
 22 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.
 23 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,
 24 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of
 25 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates
 26 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates
 27 June 30, 2017.)"

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 29 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
 30 integral part of Title 20, chapter 26, and the provisions of Title 20, chapter 26, apply to [section 1].

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2 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2013.

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4 NEW SECTION. **Section 5. Termination.** [This act] terminates July 1, 2017.

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