

## 1 HOUSE BILL NO. 576

2 INTRODUCED BY HERTZ, BLASDEL, HANSEN, KNUDSEN, MCNIVEN, REDFIELD, SALOMON,  
3 SCHWADERER, TAYLOR, VANCE, WITTICH

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

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

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

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

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

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

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

30 (b) A person enrolled at a 4-year postsecondary institution is eligible for a scholarship award under this

1 section for a period of 10 semesters from the date of the person's original enrollment at any postsecondary  
2 institution.

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

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

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

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

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

18 (9) For the purposes of this section "postsecondary institution" ~~has the meaning provided in 20-26-603~~  
19 MEANS A UNIT OF THE MONTANA UNIVERSITY SYSTEM, AS DEFINED IN 20-25-201, OR A MONTANA COMMUNITY COLLEGE,  
20 DEFINED AND ORGANIZED AS PROVIDED IN 20-15-101.

21

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

23 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
24 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
25 need for a biennial legislative appropriation or budget amendment.

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

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

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

1 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
2 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;  
3 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;  
4 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;  
5 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;  
6 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;  
7 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;  
8 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;  
9 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;  
10 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;  
11 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

12 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
13 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
14 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
15 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
16 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
17 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
18 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is  
19 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.  
20 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and  
21 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.  
22 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the  
23 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621  
24 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,  
25 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.  
26 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,  
27 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of  
28 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates  
29 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates  
30 June 30, 2017.)"

