

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1363

Introduced by

Representatives Kasper, D. Johnson, R. Kelsch

Senators Flakoll, Freborg, Wardner

1 A BILL for an Act to amend and reenact sections 15-70-04 and 57-51.1-07.4 of the North  
2 Dakota Century Code, relating to grants for nonbeneficiary students enrolled in tribally  
3 controlled community colleges; and to provide an appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 ~~— **SECTION 1. AMENDMENT.** Section 15-70-04 of the North Dakota Century Code is~~  
6 ~~amended and reenacted as follows:~~

7 ~~— **15-70-04. Submission of grant application – Distribution of grants.**~~

8 ~~— In order to qualify for a grant under this chapter, an institutiona tribally controlled community~~  
9 ~~college shall submit an application in the manner required by the state board of higher~~  
10 ~~education. The application must document the enrollment status of each student on whose~~  
11 ~~accountwho qualifies for financial assistance under this chapter is sought. If an application is~~  
12 ~~approved, the board shall distribute to eachthe tribally controlled community college, during~~  
13 ~~each year of the biennium, fiveten thousand dollars for each of the first ten full-time equivalent~~  
14 ~~nonbeneficiary students, and seven thousand threefive hundred four dollars perfor each of the~~  
15 ~~next ten full-time equivalent nonbeneficiary student. If thestudents. The remainder of any~~  
16 ~~amount appropriated is insufficient, the board shall distribute aand available for distribution~~  
17 ~~during each year of the biennium must be prorated amount peramong all other full-time~~  
18 ~~equivalent nonbeneficiary studentstudents.~~

19 **SECTION 1. AMENDMENT.** Section 15-70-04 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **15-70-04. Submission of grant application - Distribution of grants.**

22 1. In order to qualify for a grant under this chapter, an institutiona tribally controlled  
23 community college shall submit an application at the time and in the manner required  
24 by the state board of higher education. The application must document.

a. Include the name and address of each student who qualifies for financial assistance under this chapter; and

b. Document the enrollment status of each student ~~on whose account~~ who qualifies for financial assistance under this chapter ~~is sought~~.

2. If an application is approved, the state board of higher education shall distribute to ~~each~~ the tribally controlled community college, during each year of the biennium, ~~five-thousand three hundred four dollars per full-time equivalent nonbeneficiary student~~ an amount equivalent to the most recent per student payment provided in accordance with the Tribally Controlled Colleges and Universities Assistance Act of 1978 [25 U.S.C. 20] for each nonbeneficiary student who is a resident of this state. If the amount appropriated is insufficient to meet the requirements of this section, the board shall ~~distribute a prorated amount per full-time equivalent nonbeneficiary student~~ prorate the amount to be distributed.

3. If after meeting the requirements of this section any amount remains available for distribution at the conclusion of each year of the biennium, the state board of higher education shall provide prorated distribution based on criteria set forth in this section.

4. At the time and in the manner determined by the state board of higher education, each tribally controlled community college receiving assistance under this section shall file a report indicating:

a. The graduation rate of nonbeneficiary students; and

b. The ratio between the amount of funding received by the tribally controlled community college under this section and the college's annual budget.

**SECTION 2. AMENDMENT.** Section 57-51.1-07.4 of the North Dakota Century Code is amended and reenacted as follows:

**57-51.1-07.4. Separate allocation of state share of collections from reservation development.**

Notwithstanding any other provision of law, the state treasurer shall transfer to the permanent oil tax trust fund the first ~~seven hundred thousand~~ one million dollars of the state's share of tax revenues under this chapter from oil produced from wells within the exterior boundaries of the Fort Berthold Reservation after June 30, ~~2009~~ 2011.

1       **SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the permanent  
2 oil tax trust fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so  
3 much of the sum as may be necessary, to the state board of higher education for the purpose of  
4 providing grant assistance to tribally controlled community colleges, for the biennium beginning  
5 July 1, 2011, and ending June 30, 2013. No more than fifty percent of the amount appropriated  
6 under this section may be expended during each year of the biennium.