

**FIRST ENGROSSMENT
with Senate Amendments
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 1. In order to qualify for a grant under this chapter, an institution a tribally controlled
9 community college shall submit an application at the time and in the manner required
10 by the state board of higher education. The application must document:

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

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

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

- 1 3. If after meeting the requirements of this section any amount remains available for
2 distribution at the conclusion of each year of the biennium, the state board of higher
3 education shall provide prorated distribution based on criteria set forth in this section.
4 4. At the time and in the manner determined by the state board of higher education, each
5 tribally controlled community college receiving assistance under this section shall file a
6 report indicating:
7 a. The graduation rate of nonbeneficiary students; and
8 b. The ratio between the amount of funding received by the tribally controlled
9 community college under this section and the college's annual budget.

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

12 **57-51.1-07.4. Separate allocation of state share of collections from reservation**
13 **development.**

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

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