

2009 HOUSE EDUCATION

HB 1058

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1058

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 7, 2009

Recorder Job Number: 6650

Committee Clerk Signature

Carmen Hart

Minutes:

Jeff Nelson, Staff Attorney, Legislative Council, and serves as committee counsel for the Tribal and State Relations Committee: His purpose was to review the bill and answer any questions that the chair and committee members might have. It relates to financial assistance to tribal colleges and to declare an emergency. During the interim the Tribal and State Relations Committee was briefed on the operation of HB 1395 that was enacted last session to provide state assistance for tribal colleges. The committee received reports on this bill and was informed that the proposal to the bill is working very well but several adjustments need to be made for two reasons: First, as with any new proposal, sometimes there are small tweaks to be made and, second, there was a change in federal law that necessitated the change in this chapter of the Century Code. The first definition is being revised –the definition of nonbeneficiary student. Currently the definition provides that a nonbeneficiary student is a resident of North Dakota who is enrolled in a tribally controlled community college but is not an enrolled member of a federally recognized Indian tribe. Under the authorization of the Federal Education Act the definition of who is eligible to receive assistance was expanded so this definition is changed to include a biological child of a member, living or deceased, of an Indian tribe. The other definition that is added is full-time equivalent basis. Full-time equivalent basis is equal to twenty-four credit hours per year in which a nonbeneficiary student is enrolled.

Section 2 of the bill draft deals with the submission of grant application and distribution of grants. A recommendation from the board office of the university system is that the grant application include documentation of the enrollment status of each student on whose account financial assistance under this chapter is sought. As a result of a change in Federal law, the amount of the grant is being increased from four thousand five hundred eighty one dollars to five thousand three hundred four dollars. Section 3 deals with the reporting requirement for tribal colleges. Each institution receiving a grant shall provide annually the following information: 1. Report to the budget section of the legislative council an accurate and detailed account of the expenditures of the grant funds received by the institution in a manner specified by the budget section. 2. Report to the legislative audit and fiscal review committee a copy of the institution's latest audit report. Finally, Section 4—This act is declared to be an emergency measure. The emergency is necessary to allow the tribal colleges to fully access monies that are available for this program this biennium.

Rep. Lyle Hanson: How many grants were put out this past biennium?

Jeff Nelson: I would have to refer to that, but I think each institution accessed that at that program. Each of the tribal colleges participated in this program received a grant.

Rep. Lyle Hanson: Do you have any idea how many students took advantage of this?

Jeff Nelson: I will refer it to the tribal colleges on that question.

Rep. Phillip Mueller: Is the four thousand three hundred four dollars a requirement on the part of the federal government? (Bill shows five thousand three hundred four dollars)

Jeff Nelson: I don't believe that's the requirement. I believe that figure is the amount of the federal grant so when the state program was enacted, that figure was just put in to match the federal grant. Now since this section was enacted, that amount has been increased, so to fully

access the funds that are available if the state were to increase the grant to match the federal amount, the committee felt that was appropriate.

Rep. Phillip Mueller: That figure—Do you know how it compares, Mr. Nelson, to what it is the state pays on behalf of students going to state institutions?

Jeff Nelson: No, I don't.

Rep. Phillip Mueller: One last question. The appropriation is in another bill?

Jeff Nelson: No, it's not. When this bill came before the interim committee, there was a question whether an appropriation would be included in the executive budget. The interim committee felt at this point an appropriation would be included in this bill and to wait to see what, if anything, was included in the executive budget. It is my understanding that funding for this program was not included in the executive budget and there will be other people following to testify to address that issue and perhaps, amendments.

Rep. Merle Boucher, District 9, which includes the Turtle Mountains Band of Chippewa Indians Reservation appeared in support of the bill. It was a bill that came before us during the interim and the Tribal and State Relations Committee. He will leave the details of the bill and some of the questions that were asked previously to those people from the tribal colleges and also from the university system. He thinks they can give a clearer picture of some of the technicalities and also some of the financial aspects of the bill. **(See Attachment 1)**

Rep. Bob Hunsakor: Rep. Boucher, as I understand all the changes in this particular bill, would it help our state tribal colleges align with federal guidelines?

Rep. Merle Boucher: That's essentially in due respect to what changes took place at the federal level. In terms of the definition of a beneficiary versus a nonbeneficiary student, there is a change in definition and that also the federal government changed its reimbursement concept. We're doing this to reflect what they think.

Jeff Nelson: I was just visiting with Sandy Paulson, OMB analyst for the higher education system and I misspoke earlier. In response to Rep. Mueller's question, if I might clarify the record? The governor's executive budget does include \$700,000 for the purpose of providing grant assistance payments to tribally controlled colleges--\$350,000 each biennium.

Chairman Kelsch: So that's a continuation of the program that we began last session?

Jeff Nelson: Yes, Madam Chairman.

Dr. Bull Bennett, President and Chief Executive Office for ND Association of Tribal Colleges, appeared in support of the bill. He introduced the presidents of the tribal colleges who are members of the association—Dr. Cynthia Lindquist, President, Candeska Cikana Community College, Ft. Totten; Dr. Laurel Vermillion, President, Sitting Bull College on Standing Rock Reservation; Diane S. from the Sisseton Reservation; the president of Ft. Berthold Community College, and Dr. Jim Davis, President, Turtle Mountain Community College. He stressed that this association supports the technical amendments that were discussed earlier and also the additional amendments to clarify the process. The first technical amendment defines the nonbeneficiary status and with the changes in federal law, they felt it was very important that they get that to the Tribal and State Relations Committee as soon as possible to avoid the double dipping threat that may occur.

Russell Swagger, Vice President of Student Services, United Tribes Technical College, appeared on behalf of Dr. David Gipp, the president. He handed out Dr. Gipp's written testimony. **(See Attachment 2)** Mr. Swagger stated that they were very grateful that the state and legislature have made these funds available to beneficiary students, in particular, non-Indian students. He has seen a lot of students come through his door with some pretty difficult situations in terms of their funding. There have been a lot of students over the years that have had to leave school because funding wasn't available to them. This funding has been very

valuable to them at their college. The proposed amendments were suggested by Rep. Jim Kasper who sponsored the bill last session. The funding mechanism makes it unnecessary to return to legislature every two years.

Thomas Disselhorst,, attorney with United Tribes Technical College, appeared in support. He stressed that the idea is to not have to come to the legislature every two years to make changes to this piece of legislation. Again, it is not just to access the extra funds that are available. It is also to prevent the tribal colleges from double dipping. That is the real reason for the emergency clause to insure the tribes aren't double dipping with the nonbeneficiary student definition. This first distribution of funds didn't happen until April 2008 even though the law was passed in 2007. The next distribution is April of this year.

Rep. Jerry Kelsh: Are these all past year funds from the federal government or is this matching state funds with the federal government?

Thomas Disselhorst: What the bill does is simply provide funds that aren't ever provided by anyone else. The tribal colleges enroll a fair number of students who are not enrolled in the tribe and for various reasons. Their program might be the only one in the area or the program might be specifically suited for the needs of the individual. There are a lot of families where there are marriages between a non-tribal person and a tribal member and those people live on the reservation. They want to take advantage of the educational opportunities that are right next door to them. So this is the kind of students this bill is intended to cover and since the tribal colleges themselves receive absolutely no federal dollars for these students, and up to last session, they didn't receive any state dollars. The idea was to provide some funding that would assist tribal colleges meeting those students' needs.

Chairman Kelsch: This is a new program that we tried a couple of sessions to do something similar to it and last session were actually successful in passing a piece of legislation that put some money toward helping these students.

Thomas Disselhorst: Also there was a funding mechanism introduced later in the last session for this money. That was going to occur from oil and tax revenues that came from Ft. Berthold Indian reservation. That potential funding is still part of the law not affected by anything through this legislation.

Rep. Phillip Mueller: Do you have any sense at all of how many people will be affected by this definition of nonbeneficiary? In other words, how many are going to become the beneficiary folks versus what we had last year, for instance?

Thomas Disselhorst: It is unclear how many will be affected. It will reduce it some—potentially 25%. It is hard to say because enrollment changes every year in terms of who are the nonbeneficiary students. Enrollment is down for most schools throughout the country. It is true at our college, United Tribes Technical College. Thus, it would reduce the numbers somewhat. As the bill states, the maximum amount the tribal college can receive is the amount they receive per Indian student from the federal government. There could be money left on the table—that is a real possibility.

Rep. Rodney Froelich, District 31: He was born and raised on Standing Rock. He has seen what the college has done there. Several students have advanced degrees. This college has had a huge benefit. There are a lot of students who would not have gone on to college because they are single parents, and there are cultural differences from Sitting Bull College and University of North Dakota. The colleges are a godsend to the community.

Dr. Cynthia Lindquist, President, Candeska Cikana Community College, Ft. Totten, indicated she was in favor of this bill. She wanted to reiterate what Rep. Froelich stated about

the benefits. She acknowledged the work that they do as the Education Committee, and your work ultimately makes a difference in what she does with those direct services for students here in North Dakota. Her college received a small check based on this legislation this past March, and I had eight students affected. The numbers are small but they were able to support a full-time master's level social worker to provide academic and life skill counseling to all our students including those eight non-Indian students attending her college. It has made a significant difference to have this full-time professional person because the students are coming in with significant needs, not just the Indian students, but the non-Indian students as well. They are seeing the retention improving now. She acknowledged the work of the Tribal and State Relations Committee, Rep. Merle Boucher, Chancellor Goetz, and the North Dakota university system, and Mike Hellman and staff of that office.

Dr. Jim Davis, President of Turtle Mountain Community College in Belcourt appeared in support of the bill. They had 32 students that were counted for funding under the state. If things remain the same, they will be able to count about between 20-25 students for the federal side. In other words they will be counting roughly 8-10 students again for state funding. Their state funding will go down. When they looked at the numbers for the federal side, they decided it was about \$5300 per student unlike the approximate \$8000 per student at other ND institutions. They received \$115,000 because of the number of students they counted. They put the amount in the general fund. This covers the activities, services, and programs that normally go to any student who is enrolled in their college.

Vice Chair Lisa Meier: Dr. Davis, are there any stipulations that come along with the funds that are received? Do the students have to maintain a certain GPA in order to continue the funding?

Dr. Jim Davis: They have to follow our policies. Their first semester GPA is 1.8 and 2.0 for the second and then they have to maintain the 2.0 GPA. They do not vary among their native and non-native students. He emphasized that their programs are accredited and very good quality programs.

There were no speakers in opposition of the bill.

Chairman Kelsch: Mike, I know the board is neutral on this but I think there was a question asked about numbers so if you want to come forward and maybe respond to that.

Mike Hillman works for the agency which is part of the **NDUS** that identifies as the administrator of this program. His records indicate that a total of 98 students were eligible from ND tribal colleges for reimbursement. He clarified the point that the students indicate the eligibility but the funding goes directly to the tribal colleges.

Rep. Phillip Mueller: Mike, a question that I posed earlier. How does the \$5304 of state contribution, in this case if the bill passes, compare to what it is the state puts into the rate for the student in the ND university system?

Mike Hillman: The Federal Indian Scholarship Program defines a full-time student by 24 credit hours and so it is appropriate that the proposed definition here is also 24 credit hours for this legislation. For the ND university system we look at 30 credit hours per year as a full-time student. There is a bit of difference in the calculation. The way they look at it is this funds the tribal colleges somewhere in the range of our individual campuses. He stated that they haven't had a chance to look at whether the university system requested funding versus requested money here—is it actual from last year? They would be willing to provide additional background on that question.

Chairman Kelsch: I think that would be beneficial to us.

Rep. Phillip Mueller: Mike, Dr. Davis just referenced the programs, elementary education training as being one of them. Does the university system become involved in the tribal colleges in any way in terms of oversight, quality control kinds of things?

Mike Hillman: The university system has no direct oversight of the tribal colleges. We do have a growing number of partnerships. In that sense there is some responsibility but in terms of academic programs, etc., No. We do invite them to participate in their common course numbering and general education transfer. All the tribal colleges do.

Rep. Lyle Hanson: You said 98 students. Is that for both years?

Mike Hillman: That was for the first year of the program.

Rep. Lyle Hanson: What was the total appropriation last time?

Mike Hillman: As it was indicated, \$700,000 for the biennium, which would be \$350,000 limit for each year in the biennium.

Rep. Lyle Hanson: So you had some money left over then?

Mike Hillman: Actually, no we don't. We awarded all of the money the first year. The authorization amount was about \$4,500 in the first year of the program so \$350,000 divided by \$4500 would have fully funded about 76 students. With 98 applications as the law indicates, we prorated the amount that went to the tribal colleges.

Wayne Kutzer, Director of Career and Technical Education, referenced the question by Rep. Phillip Mueller earlier about the oversight of the programming and such. Their agency approves all their career and technical programs and evaluates them on a five-year cycle. This is the same process done at two-year campuses.

Chairman Kelsch: We are not going to be acting on this bill. We are going to hold off on it because there is another bill coming in that has some similarities to this piece of legislation but there are some expansions in that. I want to keep the two bills together for right now. The

hearing will probably be set for in a couple weeks. We will work on those two bills together and make sure they come up with a good, strong product. With that, we'll close the hearing on HB 1058.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1058

House Education Committee

☐ Check here for Conference Committee

Hearing Date: January 27, 2009

Recorder Job Number: 7834

Committee Clerk Signature

Carmen Hart

Minutes:

Rep. Phillip Mueller moves a **Do Not Pass** on HB 1058. **Rep. Corey Mock** seconded the motion.

DO NOT PASS, 14 YEAS, 0 NAYS. **Rep. Phillip Mueller** is the carrier of the bill.

Chairman Kelsch was going to ask that the clerk bring HB 1058 and HB 1394 at the same time and she would have them placed together on the calendar.

FISCAL NOTE
Requested by Legislative Council
12/08/2008

Bill/Resolution No.: HB 1058

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2007-2009 Biennium | | 2009-2011 Biennium | | 2011-2013 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | \$137,370 | | | |
| Appropriations | | | \$307,760 | | | |

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

| 2007-2009 Biennium | | | 2009-2011 Biennium | | | 2011-2013 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2A. Bill and fiscal impact summary: *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Increases max from \$4,581 to \$5,304. Based on 07-08 figures, the total increases from \$870,390 to \$1,007,760. The 07-09 NDUS appropriation & proposed SB2003 includes \$700,000 from the state student grant program funding. Available funding is distributed on a pro-rata basis.

B. Fiscal impact sections: *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Increasing the per student grant award amount would result in an additional biennial expenditure of \$137,370 (\$5,304-4,581 x 95 students x two years).

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

In order to fully fund the program at \$5,304 per student, the appropriation would need to be increased from the current \$700,000 contained in SB2003 to \$1,007,760.

| | | | |
|----------------------|-------------|-----------------------|------------|
| Name: | Laura Glatt | Agency: | NDUS |
| Phone Number: | 328-4116 | Date Prepared: | 12/16/2008 |

Date: 1-27-09
Roll Call Vote #: _____

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1058

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☐ Do Pass ☒ Do Not Pass ☐ Amended

Motion Made By Rep. Mueller Seconded By Rep. Mock

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------------|-----|----|----------------------|-----|----|
| Chairman RaeAnn Kelsch | ✓ | | Rep. Lyle Hanson | ✓ | |
| Vice Chairman Lisa Meier | ✓ | | Rep. Bob Hunsakor | ✓ | |
| Rep. Brenda Heller | ✓ | | Rep. Jerry Kelsh | ✓ | |
| Rep. Dennis Johnson | ✓ | | Rep. Corey Mock | ✓ | |
| Rep. Karen Karls | ✓ | | Rep. Phillip Mueller | ✓ | |
| Rep. Mike Schatz | ✓ | | Rep. Lee Myxter | ✓ | |
| Rep. John D. Wall | ✓ | | | | |
| Rep. David Rust | ✓ | | | | |
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Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep Mueller

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1058: Education Committee (Rep. R. Kelsch, Chairman) recommends DO NOT PASS
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1058 was placed on the
Eleventh order on the calendar.

2009 TESTIMONY

HB 1058

Attachment 1
HB 1058

HOUSE EDUCATION COMMITTEE

HB1058

REPRESENTATIVE MERLE BOUCHER

CHAIRMAN KELSH AND MEMBERS OF THE HOUSE EDUCATION COMMITTEE.

FOR THE RECORD I AM REPRESENTATIVE MERLE BOUCHER REPRESENTING LEGISLATIVE DISTRICT NINE (9) WHICH INCLUDES THE TURTLE MOUNTAINS BAND OF CHIPPEWA INDIANS RESERVATION.

HOUSE BILL 1058 HAS BEEN INTRODUCED BY THE TRIBAL AND STATE RELATIONS COMMITTEE IN RESPONSE TO A CHANGE IN THE FEDERAL GUIDELINES DEFINING A "NONBENEFICIARY STUDENT" WHO WOULD BE ATTENDING A TRIBALLY CONTROLLED COMMUNITY COLLEGE. FEDERAL GUIDELINES HAVE BEEN EXPANDED TO INCLUDE A PERSON WHO IS NOT AN ENROLLED MEMBER OF A TRIBE, BUT HAVE A PARENT WHO IS TRIBALLY ENROLLED. THE SIMPLE DEFINITION IN THIS SITUATION IS, "IF A PARENT WAS AN ENROLLED MEMBER OF A TRIBE THE OFFSPRING WOULD BE RECOGNIZED AS A BENEFICIARY FOR THE PURPOSE OF TRIBAL COLLEGE CENSUS REPORTING AND REIMBURSEMENTS FROM THE FEDERAL LEVEL.

THE SECOND PIECE OF THIS LEGISLATION ADJUSTS THE ANNUAL PER STUDENT (FTE) PAYMENT FROM \$4,581.00 TO \$5,304.00. THIS ALSO CONCURS WITH A CHANGE IN FEDERAL POLICY. THE \$4,581.00 REFLECTED IS THE PREVIOUS FEDERAL PAYMENT PER STUDENT (FTE). LIKEWISE \$5,304.00 WOULD REFLECT TO THE MOST RECENT FEDERAL PER STUDENT PAYMENT.

SECTION 3 OF THE BILL CHANGES THE REPORTING REQUIREMENT.

THE CHANGES PRESENTED IN THIS BILL WERE BROUGHT TO THE ATTENTION OF THE TRIBAL AND STATE RELATIONS COMMITTEE BY REPRESENTATIVES FROM OUR STATE'S TRIBALLY CONTROLLED COMMUNITY COLLEGES. THEY MADE THE COMMITTEE AWARE THAT UNDER THE NEW FEDERAL DEFINITIONS FEWER STUDENTS WOULD QUALIFY AS NONBENEFICIARY STUDENTS. THEY ALSO INFORMED US ABOUT THE CHANGES IN THE FEDERAL PER STUDENT PAYMENT AMOUNT.

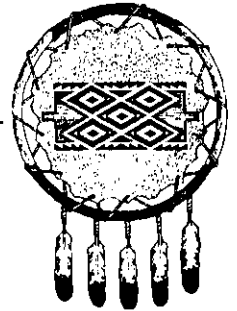
COMMITTEE MEMBERS, THIS BILL IS A RESPONSE TO A CHANGE IN FEDERAL POLICY. OUR STATE'S TRIBALLY CONTROLLED COMMUNITY COLLEGES ACTED APPROPRIATELY AND RESPONSIBLY BY INFORMING THE LEGISLATURE OF THESE CHANGES. THE NORTH DAKOTA LEGISLATURE WOULD BE MAKING AN APPROPRIATE AND RESPONSIBLE ACCOMODATION BY PASSING THIS BILL, INCLUDING THE EMERGENCY MEASURE.

I ASK FOR A DO PASS RECOMMENDATION ON HOUSE BILL 1058.

THANK YOU.

Attachment 2
HB 1058

UNITED TRIBES TECHNICAL COLLEGE
3315 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



**Testimony on HB 1058
Regarding Technical Amendments to
Tribal College Assistance for Non-Beneficiary Students
Before the North Dakota House Education Committee**

January 7, 2009

**David M. Gipp, President
United Tribes Technical College**

Madam Chairwoman and members of the Committee:

I am sorry I am unable to testify in person as I am out of town on business related to the college. I am the President of United Tribes Technical College (UTTC), and Russell Swagger will provide the testimony on my behalf.

The bill you have before you was crafted by the Interim Tribal-State Relations Committee with assistance from all of the Tribal College Presidents in North Dakota. This bill has several technical amendments to the Tribal College assistance bill passed last legislative session. The amendments being made to Chapter 15-70 of the North Dakota Century Code, enacted in the 2007 North Dakota legislative session arise out of the effort by the Board of Higher Education to both interpret the legislation and distribute the funding appropriated by the last legislature, and also are made necessary from a change in federal law.

In addition, we are proposing one further amendment to make the funding allocation mechanism a matter that can be determined without coming back to the legislature every two years for new legislation. That proposed amendment is attached. The amendment would make it unnecessary to come back to the legislature each session to change the authorized amount per student. The amendment, drafted by legislative counsel, would create a simple formula that will allow the Board of Higher Education adjust the authorized amount per student in accordance with the federal appropriation for tribal colleges. The suggestion for this amendment came from Representative Jim Kasper, who was the original sponsor for the tribal college assistance bill last session.

The technical amendments are as follows:

1) The first amendment clarifies who is a "non-beneficiary" student by adding the phrase "nor a biological child of a member, living or deceased, of an Indian tribe. This change was made because of the change including this phrase in the definition of "Indian student" in the recently enacted federal Higher Education Act, P.L. 110-315. The specific change in the legislation is now encoded at Title 25, United States Code, Section 1801(a)(7), which defines an Indian student as:

“(7) ‘Indian student’ means a student who is—
“(A) a member of an Indian tribe; or
“(B) a biological child of a member of an Indian tribe,
living or deceased”

Therefore, since each tribal college (including United Tribes) now includes children of tribal members and receives funding for these students, these students are excluded from the definition of non-beneficiary student.

2) The second amendment defines the term “full time equivalent basis” used in Section 4 of the present statute as “24 credit hours per year”.

3) The third amendment, in Section 2 of the bill, requires additional information on each application for assistance under the law regarding the enrollment status of each non-beneficiary student.

4) The fourth amendment is one for which we urge the committee to adopt a substitute, as per the attached, which allows the number authorized for each non-beneficiary student to be adjusted without the need for an amendment to the law each legislative session.

5) The final two amendments clarify the reporting requirements set forth in the original legislation. The idea behind these amendments is that reporting of the items listed should be made to the appropriate legislative committee that could actually recommend action on these reports, rather than have these reports be provided to the board of higher education which would not be in a position to take any action regarding the reports. Thus, the budget section of the legislative council will receive the report of expenditures from each institution and the legislative audit and fiscal review committee will receive the institution’s audit report.

We also want to tell you more about the benefits of this funding to our institution. UTTC has primarily used this funding to strengthen the College’s infrastructure in areas where non-beneficiary students have been chronically underserved. The College hired a full time financial aid staff person to increase capacity to provide non-beneficiary students with more complete financial aid advising and expanded funding opportunities. A portion of the funds was used to open the college’s institutional work-study program to non-beneficiary students as well as a small amount of direct financial assistance to North Dakota non-beneficiary students with the highest unmet need.

Additionally, UTTC has used this funding to address the educational opportunities created by having a more diverse student body, by developing a college-wide annual conference for diversity education. This year’s event will be held concurrently with the Martin Luther King Jr. Day observance at UTTC. This educational effort contributes to the goal of the college to provide an educational experience that enhances students understanding of their own culture and others.

We urge the House Education Committee to give HB 1058 a DO PASS recommendation as amended.

Attachment 2
HB 1058

Proposed Amendment to HB 1058:
Presented by United Tribes Technical College
on behalf of North Dakota Association of Tribal Colleges
January 7, 2009

On page 2, Line 2, replace the words "five thousand three hundred four dollars" with "an amount equal to the annual federal appropriation for each Indian student who is enrolled in a tribally controlled community college".

The sentence would now read as follows (beginning on line 24 of page 1):

"If an application is approved, the board shall distribute to each tribally controlled community college during each year of the biennium, an amount equal to the annual federal appropriation for each Indian student who is enrolled in a tribally controlled community college for each nonbeneficiary student on a full-time equivalent basis."

NORTH DAKOTA ASSOCIATION OF TRIBAL COLLEGES

Written Testimony Regarding HB 1058 Technical Amendments to Tribal Colleges for Non-Beneficiary Students Before the House Education Committee

January 7, 2009

Madam Chairwoman and Members of the Committee;

On behalf of the North Dakota Association of Tribal Colleges, please accept this document as our collective support for the technical amendments to HB 1058.

These technical amendments were developed by the Tribal State Relations Committee working closely with the Presidents of the Tribal Colleges in North Dakota. It is our hope that the committee can incorporate these amendments into Chapter 15-70 of the North Dakota Century Code, enacted during the 60th Legislative Assembly in 2007.

In addition to the technical amendments, we are proposing to add an amendment designed to put into place a mechanism that will continue support for the Bill while avoiding a revisit to the Legislative Assembly every two years to adjust for fluctuating non-beneficiary enrollment in our colleges.

The first technical amendment defines a 'non-beneficiary' student based on the changes made to the federal law recognizing Indian students at our Tribal Colleges.

The second technical amendment is designed to increase the maximum amount per 'non-beneficiary' student based on the authorized amount per Indian student as determined by Congress for FY 2008.

The third technical amendment clarifies the reporting process for the Tribal Colleges who receive funding under Chapter 15-70.

These amendments declare an emergency such that changes to the Bill can take effect prior to the next allocation of funds. These changes will include the new definition of 'non-beneficiary' students, the reporting mechanisms and the new amount per 'non-beneficiary' student.

In addition to the above technical amendments, it is our wish to include the following additional amendment designed to provide a mechanism to adjust for fluctuating enrollments of non-beneficiary students and to avoid returning to the ND Legislative Assembly each biennium to adjust the amount allocated. It reads as follows:

If an application is approved, the board shall distribute to each tribally controlled community college during each year of the biennium, an amount equal to the annual federal appropriation for each Indian student who is enrolled in a tribally controlled community college for each non-beneficiary student on a full-time equivalent basis."

NORTH DAKOTA ASSOCIATION OF TRIBAL COLLEGES

We would like to sincerely thank the House Education Committee for careful consideration of these amendments to HB 1058.

Respectfully;

North Dakota Association of Tribal Colleges Board of Directors;

Russell Mason; Fort Berthold Community College – President
Laurel Vermillion; Sitting Bull College – Vice President
David Gipp; United Tribes Technical College - Secretary
Diana Canku; Sisseton Wahpeton College - Treasurer
James Davis; Turtle Mountain Community College – Member at Large
Cynthia Lindquist Mala; Cankdeska Cikana Community College – Member at Large

North Dakota Association of Tribal Colleges President and Chief Executive Officer;

T. M. Bull Bennett, Ph.D.