

**SECOND ENGROSSMENT
with Conference Committee Amendments**

REENGROSSED HOUSE BILL NO. 1395

Introduced by

Representatives Kasper, Boe, Charging, D. Johnson

Senators Flakoll, Wardner

1 A BILL for an Act to provide financial assistance to tribally controlled community colleges; to
2 create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating
3 to the allocation of collections from reservation oil development; and to provide an
4 appropriation.

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

6 **SECTION 1. Definitions.** In this Act, unless the context otherwise requires:

7 1. "Nonbeneficiary student" means a resident of North Dakota who is enrolled in a
8 tribally controlled community college but is not an enrolled member of a federally
9 recognized Indian tribe.

10 2. "Tribally controlled community college" means an institution of higher education in
11 this state which is formally controlled or has been formally sanctioned or chartered
12 by the governing body of an Indian tribe, or any combination of federally
13 recognized Indian tribes.

14 **SECTION 2. Institutions eligible for grant assistance.** Any tribally controlled
15 community college located in this state is eligible to receive supplemental grant assistance for
16 nonbeneficiary students.

17 **SECTION 3. Grant authorization.** The state board of higher education shall make
18 grants to tribally controlled community colleges to defray the costs of education associated with
19 enrollment of nonbeneficiary students. Grants made pursuant to this section must go directly to
20 the recipient institutions.

21 **SECTION 4. Submission of grant application - Distribution of grants.** In order to
22 qualify for a grant under this Act, an institution shall submit an application in the manner
23 required by the state board of higher education. If an application is approved, the board shall
24 distribute to each tribally controlled community college, during each year of the biennium, four

1 thousand five hundred eighty-one dollars for each nonbeneficiary student on a full-time
2 equivalent basis. If the amount appropriated is insufficient, the board shall distribute a prorated
3 amount per nonbeneficiary student on a full-time equivalent basis.

4 **SECTION 5. Reporting by recipient institutions.** Each institution receiving a grant
5 under this Act shall annually provide to the state board of higher education an accurate and
6 detailed account of the expenditures of the grant funds received by the institution under
7 sections 1 through 5 of this Act and a copy of the institution's latest audit report and
8 documentation of the enrollment status and ethnic status of each student on whose account
9 financial assistance under this Act is sought.

10 **SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the
11 permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of
12 \$700,000, or so much of the sum as may be necessary, to the state board of higher education
13 for the purpose of providing grant assistance payments to tribally controlled community
14 colleges, for the biennium beginning July 1, 2007, and ending June 30, 2009. No more than
15 \$350,000 may be expended for this purpose during the first year of the biennium.

16 **SECTION 7.** A new section to chapter 57-51.1 of the North Dakota Century Code is
17 created and enacted as follows:

18 **Separate allocation of state share of collections from reservation development.**
19 Notwithstanding any other provision of law, the state treasurer shall transfer to the permanent
20 oil tax trust fund the first seven hundred thousand dollars of the state's share of tax revenues
21 under this chapter from oil produced from wells within the exterior boundaries of the Fort
22 Berthold Reservation drilled and completed after June 30, 2007.