

**Sixtieth Legislative Assembly of North Dakota  
In Regular Session Commencing Wednesday, January 3, 2007**

HOUSE BILL NO. 1395  
(Representatives Kasper, Boe, Charging, D. Johnson)  
(Senators Flakoll, Wardner)

AN ACT to provide financial assistance to tribally controlled community colleges; to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the allocation of collections from reservation oil development; and to provide an appropriation.

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

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

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

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

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

**SECTION 4. Submission of grant application - Distribution of grants.** In order to qualify for a grant under this Act, an institution shall submit an application in the manner required by the state board of higher education. If an application is approved, the board shall distribute to each tribally controlled community college, during each year of the biennium, four thousand five hundred eighty-one dollars for each nonbeneficiary student on a full-time equivalent basis. If the amount appropriated is insufficient, the board shall distribute a prorated amount per nonbeneficiary student on a full-time equivalent basis.

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

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

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

**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 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 drilled and completed after June 30, 2007.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1395.

House Vote:      Yeas    82      Nays    12      Absent    0

Senate Vote:    Yeas    45      Nays    2      Absent    0

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2007.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2007,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State