

**HOUSE BILL NO.**

Introduced by

Representative Kasper

1 A BILL for an Act to amend and reenact sections 15-70-01, 15-70-04, 15-70-05, and  
2 57-51.1-07.4 of the North Dakota Century Code, relating to the provision of financial assistance  
3 to tribally controlled community colleges; and to provide an appropriation.

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

5 **SECTION 1. AMENDMENT.** Section 15-70-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **15-70-01. Definitions.** ~~In~~ As used in this chapter, unless the context otherwise  
8 requires:

- 9 1. "Full time" means that a student is enrolled for at least twenty-four semester hours  
10 during an academic year.  
11 2. "Nonbeneficiary student" means a resident of North Dakota who is enrolled in a  
12 tribally controlled community college but is not an enrolled member of a federally  
13 recognized Indian tribe.  
14 ~~3.~~ 3. "Tribally controlled community college" means an institution of higher education in  
15 this state which is formally controlled or has been formally sanctioned or chartered  
16 by the governing body of an Indian tribe, or any combination of federally  
17 recognized Indian tribes.

18 **SECTION 2. AMENDMENT.** Section 15-70-04 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **15-70-04. Submission of grant application - Distribution of grants.** In order to  
21 qualify for a grant under this chapter, an institution shall submit an application in the manner  
22 required by the state board of higher education. If an application is approved, the board shall  
23 distribute to each tribally controlled community college, during each year of the biennium, ~~four~~  
24 five thousand five hundred eighty-one dollars for each nonbeneficiary student on a full-time

1 equivalent basis. If the amount appropriated is insufficient, the board shall distribute a prorated  
2 amount per nonbeneficiary student on a full-time equivalent basis.

3 **SECTION 3. AMENDMENT.** Section 15-70-05 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5 **15-70-05. Reporting by recipient institutions - Failure to report.** Each institution  
6 receiving a grant under this chapter shall ~~annually provide to the state board of higher~~  
7 ~~education an accurate and detailed account of~~ submit to the legislative council a report detailing  
8 the expenditures of the grant funds received by the institution under this chapter ~~and~~, a copy of  
9 the institution's latest audit report and documentation of the enrollment status ~~and ethnic status~~  
10 of each student on whose account financial assistance under this chapter is sought, and any  
11 other information requested by the council. Any institution that fails to meet the requirements of  
12 this section is ineligible to receive future grants under this chapter.

13 **SECTION 4. AMENDMENT.** Section 57-51.1-07.4 of the North Dakota Century Code  
14 is amended and reenacted as follows:

15 **57-51.1-07.4. Separate allocation of state share of collections from reservation**  
16 **development.** Notwithstanding any other provision of law, the state treasurer shall transfer to  
17 the permanent oil tax trust fund the first seven hundred thousand dollars of the state's share of  
18 tax revenues under this chapter from oil produced from wells within the exterior boundaries of  
19 the Fort Berthold Reservation ~~drilled and completed~~ after June 30, ~~2007~~ 2009.

20 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the  
21 permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of  
22 \$700,000, or so much of the sum as may be necessary, to the state board of higher education  
23 for the purpose of providing grant assistance to tribally controlled community colleges, for the  
24 biennium beginning July 1, 2009, and ending June 30, 2011.