

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1394  
(Representatives Kasper, D. Johnson, R. Kelsch)  
(Senators Flakoll, Freborg, Wardner)

AN ACT to amend and reenact sections 15-70-01, 15-70-04, 15-70-05, and 57-51.1-07.4 of the North Dakota Century Code, relating to the provision of financial assistance to tribally controlled community colleges; to provide a statement of legislative intent; to provide an appropriation; and to declare an emergency.

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

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

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

1. "Full time" means that a student is enrolled for at least twenty-four semester hours during an academic year.
2. "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 nor a biological child of a living or deceased member of an Indian tribe.
- ~~2.~~ 3. "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. AMENDMENT.** Section 15-70-04 of the North Dakota Century Code is amended and reenacted as follows:

**15-70-04. Submission of grant application - Distribution of grants.** In order to qualify for a grant under this chapter, an institution shall submit an application in the manner required by the state board of higher education. The application must document the enrollment status of each student on whose account financial assistance under this chapter is sought. If an application is approved, the board shall distribute to each tribally controlled community college, during each year of the biennium, ~~four~~ five thousand ~~five~~ three hundred ~~eighty-one~~ four dollars ~~for each~~ per full-time equivalent nonbeneficiary student on a full-time equivalent basis. If the amount appropriated is insufficient, the board shall distribute a prorated amount per full-time equivalent nonbeneficiary student on a full-time equivalent basis.

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

**15-70-05. Reporting by recipient institutions - Failure to report.** Each institution receiving a grant under this chapter shall ~~annually provide to the state board of higher education an accurate and detailed account of~~ submit to the legislative council a report detailing the expenditures of the grant funds received by the institution under this chapter 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 chapter is sought. Any institution that fails to meet the requirements of this section is ineligible to receive future grants under this chapter until the institution submits the required information.

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

**57-51.1-07.4. 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~~ 2009.

**SECTION 5. 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 to tribally controlled community colleges, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 6. CONTINGENT MONEY.** If any money appropriated to the state board of higher education for grant assistance to tribally controlled community colleges remains after the board complies with all statutory payment obligations imposed under this Act, the state board shall distribute a prorated amount per full-time equivalent nonbeneficiary student.

**SECTION 7. LEGISLATIVE INTENT.** It is the intent of the sixty-first legislative assembly that the amendment of section 57-51.1-07.4 by section 4 of this Act is an independent law for purposes of section 1-02-09 and prevails over any repeal of section 57-51.1-07.4 enacted by the sixty-first legislative assembly.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Chief Clerk of the House

\_\_\_\_\_  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1394 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote:      Yeas          73              Nays          15              Absent        6

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote:      Yeas          40              Nays          7              Absent        0

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State