

1 HOUSE BILL NO. 288  
2 INTRODUCED BY N. BIXBY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY APPROPRIATING MONEY TO THE BOARD OF  
5 REGENTS TO DISTRIBUTE AS FINANCIAL ASSISTANCE FOR RESIDENT NONBENEFICIARY STUDENTS  
6 ATTENDING TRIBALLY CONTROLLED COMMUNITY COLLEGES; AMENDING SECTIONS 17-7-502 AND  
7 20-25-428, MCA; AND PROVIDING AN EFFECTIVE DATE."

8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 **Section 1.** Section 17-7-502, MCA, is amended to read:

12 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
13 appropriation is an appropriation made by permanent law that authorizes spending by a state agency  
14 without the need for a biennial legislative appropriation or budget amendment.

15 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply  
16 with both of the following provisions:

17 (a) The law containing the statutory authority must be listed in subsection (3).

18 (b) The law or portion of the law making a statutory appropriation must specifically state that a  
19 statutory appropriation is made as provided in this section.

20 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901;  
21 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702;  
22 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;  
23 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; 17-7-304; 18-11-112; 19-3-319;  
24 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107;  
25 20-25-428; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;  
26 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623;  
27 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222;  
28 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

29 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
30 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued

1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
 2 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as  
 3 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the  
 4 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to  
 5 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for  
 6 supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1,  
 7 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of  
 8 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability  
 9 is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1,  
 10 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710  
 11 terminates June 30, 2005.)"

12

13 **Section 2.** Section 20-25-428, MCA, is amended to read:

14 **"20-25-428. Financial assistance for resident nonbeneficiary students -- statutory appropriation.**

15 (1) ~~Subject to a line item appropriation for purposes of this section, the~~ The regents shall provide distribute  
 16 financial assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students.  
 17 The financial assistance is statutorily appropriated, as provided in 17-7-502, from the general fund to the  
 18 board of regents for distribution to tribally controlled community colleges.

19 (2) Each tribal community college shall apply for this assistance to the regents. Except as provided  
 20 in subsection ~~(6)~~ (5), the money must be distributed ~~on a prorated basis~~ according to the resident  
 21 nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify,  
 22 a resident nonbeneficiary student shall meet the residency requirements as prescribed for the system by  
 23 the regents. The distribution for any student is ~~limited to a maximum of \$1,500~~ \$2,300 each year for each  
 24 full-time equivalent student.

25 (3) An expenditure is contingent upon the tribal community college:

26 (a) being accredited or being a candidate for accreditation by the northwest association of schools  
 27 and colleges;

28 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter  
 29 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary  
 30 students and documentation on the curriculum to ensure that the content and quality of courses offered

1 by the tribal community college are consistent with the standards adopted by the system; and

2 (c) filing with the regents evidence that the college's enrollment of Indian students is at least 51%,  
3 as required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

4 ~~(4) If funding is available pursuant to subsection (1), the~~ The legislature intends that the money  
5 be an amount in addition to the system budget approved in the general appropriations act.

6 ~~(5) All funds appropriated under subsection (1) that are unspent revert to the state general fund.~~

7 ~~(6)~~(5) Prior to receiving money pursuant to subsection (1), each tribal community college shall:

8 (a) grant to resident nonbeneficiary students who meet the residency requirements, as prescribed  
9 for the system by the regents, fee waivers in the same percentage as the number of Indian students who  
10 are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system; and

11 (b) subtract the costs of resident nonbeneficiary fee waivers granted under subsection ~~(6)~~(5)~~(a)~~  
12 from the total amount of ~~prorated~~ money to be distributed.

13 ~~(7)~~(6) The calculation in subsection ~~(6)~~(5) is not intended to allow the university system to retain  
14 the calculated amount of funds. Waivers must be given to eligible students."

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16 NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send  
17 a copy of [this act] to each tribal government located on the seven Montana reservations.

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19 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2001.

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