



AN ACT CLARIFYING THAT REIMBURSEMENTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES ARE FOR SERVICES RENDERED; REVISING THE MAXIMUM REIMBURSEMENT; AMENDING SECTIONS 20-1-225 AND 20-25-428, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** Section 20-1-225, MCA, is amended to read:

**"20-1-225. Compliance with Military Selective Service Act for postsecondary financial assistance -- rulemaking -- definitions.** (1) A postsecondary educational institution may not provide student financial assistance to or enroll as a student an individual who is receiving or will receive student financial assistance unless the individual has complied with the registration requirements of the federal Military Selective Service Act, 50 App. U.S.C. 451, et seq. However, this prohibition does not apply to an individual who:

- (a) by a preponderance of the evidence shows that the failure to register was not done knowingly or willfully; or
- (b) is exempt from registration under the provisions of the Military Selective Service Act.
- (2) The board of regents shall adopt rules to implement this section.
- (3) The following definitions apply to this section:
  - (a) "Postsecondary educational institution" means:
    - (i) the Montana university system; or
    - (ii) any other postsecondary school:
      - (A) accepting as a student an individual receiving student financial assistance; or
      - (B) accepting state funds.
  - (b) "Student financial assistance":
    - (i) means a grant, loan, or insurance on a loan, all or a part of which is provided by the state; and
    - (ii) includes money given or to be given pursuant to:
      - (A) the ~~financial assistance~~ reimbursement for services provided to resident nonbeneficiary students

provision in 20-25-428;

(B) the work-study program provided for in Title 20, chapter 25, part 7;

(C) the Montana resident student financial assistance program provided for in Title 20, chapter 26, parts 1 and 2; or

(D) the guaranteed student loan program provided for in Title 20, chapter 26, part 11."

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

**"20-25-428. ~~Financial assistance~~ Tribal college reimbursement for services provided to resident nonbeneficiary students.** (1) Subject to a line item appropriation for purposes of this section, the regents shall provide ~~financial assistance~~ a reimbursement to tribally controlled community colleges for enrolled resident nonbeneficiary students who, except as provided in subsection (8), are taking courses for which credit is transferable to another Montana college or university.

(2) Each tribal community college shall apply ~~for this assistance~~ to the regents for this reimbursement. Except as provided in subsection (6), the money must be distributed on a prorated basis according to the eligible resident nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify, a resident nonbeneficiary student must meet the residency requirements as prescribed for the system by the regents and, except as provided in subsection (8), must be enrolled in courses for which credit is transferable to another Montana college or university. ~~The distribution for any student is limited to a maximum of \$3,024 each year~~ distribution for any resident nonbeneficiary student reimbursement must be limited to a maximum annual amount of \$3,280 for each full-time equivalent student.

(3) ~~An expenditure~~ A reimbursement is contingent upon the tribal community college:

(a) being accredited or being a candidate for accreditation by the northwest commission on colleges and universities;

(b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary students and documentation on the curriculum to ensure that the content and quality of courses offered by the tribal community college are consistent with the standards adopted by the system;

(c) providing the regents with documentation that credits for the courses in which the resident nonbeneficiary students are enrolled, except as provided in subsection (8), will be accepted at another Montana

college or university; and

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

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

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

(6) Prior to receiving money pursuant to subsection (1), each tribal community college shall grant to eligible resident nonbeneficiary students who meet the residency requirements, as prescribed for the system by the regents, fee waivers in the same percentage as the number of Indian students who are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system.

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

(8) The limit of financial assistance to nonbeneficiary students is limited to students enrolled in courses for which credit is transferable to another Montana college or university.

(9) As used in this section, "resident nonbeneficiary student" means a resident of the state of Montana who is not:

(a) a member of an Indian tribe; or

(b) a biological child of a member of an Indian tribe, living or deceased."

**Section 3. Effective date.** [This act] is effective July 1, 2015.

- END -

I hereby certify that the within bill,  
HB 0196, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2015.

HOUSE BILL NO. 196  
INTRODUCED BY S. WEBBER

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