

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PAYMENTS TO TRIBAL  
5 COLLEGES FOR RESIDENT NONBENEFICIARY STUDENTS; PROVIDING A STATUTORY  
6 APPROPRIATION AND INFLATIONARY ADJUSTMENT; AMENDING SECTIONS 17-7-502 AND 20-25-428,  
7 MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY 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 without  
14 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 with  
16 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; 5-11-120; 5-11-  
21 407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;  
22 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108;  
23 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-  
24 106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410;  
25 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-  
26 107; 20-9-534; 20-9-622; 20-9-905; 20-25-428; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-  
27 1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-  
28 113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-

1 113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-  
 2 1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-  
 3 2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-  
 4 526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

5 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
 6 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
 7 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
 8 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined  
 9 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have  
 10 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the  
 11 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement  
 12 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410  
 13 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental  
 14 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion  
 15 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115  
 16 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on  
 17 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
 18 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates  
 19 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;  
 20 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to  
 21 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.  
 22 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the  
 23 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,  
 24 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-  
 25 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates  
 26 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;  
 27 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;  
 28 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,

1 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

2

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

4 **"20-25-428. Tribal college payment for services provided to resident nonbeneficiary students --**  
5 **statutory appropriation -- adjustment.** (1) ~~Subject to a line item appropriation for purposes of this section,~~

6 Each fiscal year, the regents shall provide a payment to tribal colleges for enrolled resident nonbeneficiary  
7 students who meet the residency requirements prescribed for the system by the regents and who are taking  
8 courses for which credit is transferable to another Montana college or university.

9 (2) ~~(a) Each tribal college shall apply to the regents for this payment. Except as provided in~~  
10 ~~subsection (7) subsections (5) and (6), the money must be distributed on a prorated basis according to the~~  
11 eligible resident nonbeneficiary student enrollment in each tribal college during the previous year-

12 ~~(b) To qualify, a resident nonbeneficiary student must meet the residency requirements as prescribed~~  
13 ~~for the system by the regents and must be enrolled in courses for which credit is transferable to another~~  
14 ~~Montana college or university.~~

15 ~~(c) The distribution for any resident nonbeneficiary student payment must be limited to a maximum~~  
16 ~~annual amount of in an amount equal to \$3,280 for each full-time equivalent student.~~

17 (3) A payment is contingent on the tribal college:

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

20 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11,  
21 with the regents to provide the regents with documentation on:

22 (i) the number of resident nonbeneficiary students for whom the tribal college is entitled to a payment  
23 under this section; and

24 (ii) the curriculum to ensure that the content and quality of courses offered by the tribal college are  
25 consistent with the standards adopted by the system;

26 (c) providing the regents with documentation that credits for the courses in which the resident  
27 nonbeneficiary students are enrolled will be accepted at another Montana college or university; and

28 (d) filing with the regents evidence that the college's enrollment of Indian students is at least 51%, as

1 required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

2 (4) (a) By June 15 of each year, a tribal college shall report to the regents the number of eligible  
3 resident nonbeneficiary students who attended the tribal college in that academic year.

4 (b) By August 15 of each year, the regents shall calculate the payment for each tribal college based  
5 on the number of eligible students submitted pursuant to subsection (4)(a) and distribute the funds to each tribal  
6 college.

7 (c) The payment amount for a tribal college pursuant to this section is statutorily appropriated, as  
8 provided in 17-7-502, from the state general fund to the office of the commissioner of higher education.

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

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

12 ~~(7)(5)~~ (a) Prior to receiving money pursuant to ~~subsection (1)~~ this section, each tribal college shall  
13 grant to eligible resident nonbeneficiary students who meet the residency requirements, as prescribed for the  
14 system by the regents, fee waivers in the same percentage as the number of Indian students who are receiving  
15 fee waivers to attend a unit of the system bears to the total enrollment in the system.

16 ~~(8)(b)~~ The calculation in subsection ~~(7)~~ (5)(a) is not intended to allow the university system to retain  
17 the calculated amount of funds. Waivers must be given to eligible students.

18 (6) The payment amount for each full-time equivalent student provided for in subsection (2) must be  
19 adjusted annually in the same manner as provided in 20-9-326(1)(b).

20 ~~(9)(7)~~ As used in this section, "resident nonbeneficiary student" means a resident of the state of  
21 Montana who is not:

22 (a) a member of an Indian tribe; or

23 (b) a biological child of a member of an Indian tribe, living or deceased."  
24

25 NEW SECTION. Section 3. Notification to tribal governments. The secretary of state shall send a  
26 copy of [this act] to each federally recognized tribal government in Montana.

27  
28 COORDINATION SECTION. Section 4. Coordination instruction. If both House Bill No. 2 and [this

1 act] are passed and approved and [this act] contains a statutory appropriation, then the House Bill No. 2  
2 appropriation for the tribal college assistance program must be reduced by the following amount each fiscal  
3 year of the biennium:

4 \$837,875 general fund

5

6 NEW SECTION. **Section 5. Effective date.** [This act] is effective June 1, 2021.

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8 NEW SECTION. **Section 6. Applicability.** [Section 2(6)] applies to payments made on or after July 1,  
9 2023.

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