

HOUSE BILL NO. 196

INTRODUCED BY S. WEBBER

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A BILL FOR AN ACT ENTITLED: "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



1 provision in 20-25-428;

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

3 (C) the Montana resident student financial assistance program provided for in Title 20, chapter 26, parts
4 1 and 2; or

5 (D) the guaranteed student loan program provided for in Title 20, chapter 26, part 11."
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7 **Section 2.** Section 20-25-428, MCA, is amended to read:

8 **"20-25-428. ~~Financial assistance~~ Reimbursement TRIBAL COLLEGE REIMBURSEMENT for services**
9 **provided to resident nonbeneficiary students.** (1) Subject to a line item appropriation for purposes of this
10 section, the regents shall provide ~~financial assistance~~ a reimbursement to tribally controlled community colleges
11 for enrolled resident nonbeneficiary students AS DEFINED IN [SECTION 3] who, except as provided in subsection (8),
12 are taking courses for which credit is transferable to another Montana college or university.

13 (2) Each tribal community college shall apply ~~for this assistance~~ to the regents for this reimbursement.
14 Except as provided in subsection (6), the money must be distributed on a prorated basis according to the eligible
15 resident nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify,
16 a resident nonbeneficiary student must meet the residency requirements as prescribed for the system by the
17 regents and, except as provided in subsection (8), must be enrolled in courses for which credit is transferable to
18 another Montana college or university. ~~The distribution for any student reimbursement is limited to a maximum~~
19 ~~of \$3,024 each year an amount equal to the average budgeted amount per full-time community college student~~
20 ~~set in the general appropriations act multiplied by the state share of the cost as set under 20-15-310~~ DISTRIBUTION
21 FOR ANY RESIDENT NONBENEFICIARY STUDENT REIMBURSEMENT MUST BE NO LESS THAN A BASELINE AMOUNT OF \$3,280
22 FOR EACH YEAR OF THE BIENNIUM FOR THE BIENNIUM BEGINNING JULY 1, 2015, FOR EACH FULL-TIME EQUIVALENT
23 STUDENT. IN EACH SUBSEQUENT BIENNIUM, THE BASELINE AMOUNT MUST BE ADJUSTED BY THE INFLATION FACTOR, AS
24 DEFINED IN [SECTION 3], AND DISTRIBUTED ANNUALLY FOR EACH FULL-TIME EQUIVALENT STUDENT. THE
25 INFLATION-ADJUSTED PAYMENT FROM THE PREVIOUS BIENNIUM MUST BE USED AS THE NEW BASELINE AMOUNT IN THE NEXT
26 BIENNIUM for each full-time equivalent student.

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

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

30 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with

1 the regents to provide the regents with information relating to eligibility of resident nonbeneficiary students and
 2 documentation on the curriculum to ensure that the content and quality of courses offered by the tribal community
 3 college are consistent with the standards adopted by the system;

4 (c) providing the regents with documentation that credits for the courses in which the resident
 5 nonbeneficiary students are enrolled, except as provided in subsection (8), will be accepted at another Montana
 6 college or university; and

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

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

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

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

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

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

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21 NEW SECTION. SECTION 3. DEFINITIONS. AS USED IN 20-25-428 AND THIS SECTION, THE FOLLOWING
 22 DEFINITIONS APPLY:

23 (1) "BENEFICIARY STUDENT" MEANS A STUDENT WHO IS:

24 (A) A MEMBER OF AN INDIAN TRIBE; OR

25 (B) A BIOLOGICAL CHILD OF A MEMBER OF AN INDIAN TRIBE, LIVING OR DECEASED.

26 (2) "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX DEFINED IN 20-9-326.

27 (3) "INFLATION FACTOR" MEANS THE CONSUMER PRICE INDEX FOR JULY 1 OF THE PRIOR CALENDAR YEAR DIVIDED
 28 BY THE CONSUMER PRICE INDEX FOR JULY 1 OF THE CALENDAR YEAR 3 YEARS PRIOR TO THE CURRENT CALENDAR YEAR
 29 WITH THE RESULTING RATIO RAISED TO THE POWER OF ONE-THIRD.

30 (4) "NONBENEFICIARY STUDENT" MEANS A RESIDENT NONTRIBAL STUDENT.

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 2 NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION. [SECTION 3] IS INTENDED TO BE CODIFIED AS AN
 3 INTEGRAL PART OF TITLE 20, CHAPTER 25, PART 4, AND THE PROVISIONS OF TITLE 20, CHAPTER 25, PART 4, APPLY TO
 4 [SECTION 3].

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 6 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2015.

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