

## SENATE BILL NO. 212

INTRODUCED BY S. WEBBER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PAYMENT MADE TO TRIBAL COLLEGES;  
5 REQUIRING A TRIBAL COLLEGE TO SUBMIT THE CURRENT ACADEMIC YEAR ELIGIBLE ENROLLMENT  
6 NUMBERS FOR CALCULATION OF THE STATE PAYMENT; AMENDING SECTION 20-25-428, MCA; AND  
7 PROVIDING AN EFFECTIVE DATE."

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

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11 **Section 1.** Section 20-25-428, MCA, is amended to read:

12 **"20-25-428. Tribal college reimbursement payment for services provided to resident**  
13 **nonbeneficiary students.** (1) Subject to a line item appropriation for purposes of this section, the regents shall  
14 provide a reimbursement payment to tribally controlled community tribal colleges for enrolled resident  
15 nonbeneficiary students who are taking courses for which credit is transferable to another Montana college or  
16 university.

17 (2) (a) Each tribal community college shall apply to the regents for this reimbursement payment. Except  
18 as provided in subsection ~~(6)~~ (7), the money must be distributed on a prorated basis according to the eligible  
19 resident nonbeneficiary student enrollment in each tribal community college during the previous year.

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

23 (c) The distribution for any resident nonbeneficiary student reimbursement payment must be limited to  
24 a maximum annual amount of \$3,280 for each full-time equivalent student.

25 (3) A reimbursement payment is contingent upon on the tribal community college:

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

28 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with  
29 the regents to provide the regents with information relating to eligibility documentation on:

30 (i) the number of resident nonbeneficiary students for whom the tribal college is entitled to a payment

1 under this section; and

2 ~~(ii) documentation~~ on the curriculum to ensure that the content and quality of courses offered by the tribal  
3 ~~community~~ 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 will be accepted at another Montana college or university; and

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

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

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

13 ~~(4)(5)~~ If funding is available pursuant to subsection (1), the legislature intends that the money be an  
14 amount in addition to the system budget approved in the general appropriations act.

15 ~~(5)(6)~~ All funds appropriated under subsection (1) that are unspent revert to the state general fund.

16 ~~(6)(7)~~ Prior to receiving money pursuant to subsection (1), each tribal ~~community~~ college shall grant to  
17 eligible resident nonbeneficiary students who meet the residency requirements, as prescribed for the system by  
18 the regents, fee waivers in the same percentage as the number of Indian students who are receiving fee waivers  
19 to attend a unit of the system bears to the total enrollment in the system.

20 ~~(7)(8)~~ The calculation in subsection ~~(6)~~ ~~(7)~~ is not intended to allow the university system to retain the  
21 calculated amount of funds. Waivers must be given to eligible students.

22 ~~(8)(9)~~ As used in this section, "resident nonbeneficiary student" means a resident of the state of Montana  
23 who is not:

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

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

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27 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send a  
28 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
29 Chippewa tribe.

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