



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

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

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

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

(2) (a) Each tribal ~~community~~ college shall apply to the regents for this reimbursement payment. Except as provided in subsection ~~(6)~~ (7), 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.

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

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

(3) A reimbursement payment is contingent ~~upon~~ on 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~~ documentation on:

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

under this section; and

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

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

~~(4)(5)~~ 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)(6)~~ All funds appropriated under subsection (1) that are unspent revert to the state general fund.

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

~~(8)(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 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

**Section 3. Effective date.** [This act] is effective July 1, 2019.

- END -

I hereby certify that the within bill,  
SB 0212, originated in the Senate.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

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Secretary of the Senate

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2019.

SENATE BILL NO. 212

INTRODUCED BY S. WEBBER, J. BAHR, B. BESSETTE, C. BOLAND, P. FLOWERS, J. GROSS,  
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