

**FIRST ENGROSSMENT
with Senate Amendments**

Sixty-first
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1394

Introduced by

Representatives Kasper, D. Johnson, R. Kelsch

Senators Flakoll, Freborg, Wardner

1 A BILL for an Act to amend and reenact sections 15-70-01, 15-70-04, 15-70-05, and
2 57-51.1-07.4 of the North Dakota Century Code, relating to the provision of financial assistance
3 to tribally controlled community colleges; to provide a statement of legislative intent; to provide
4 an appropriation; and to declare an emergency.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 15-70-01 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15-70-01. Definitions.** ~~In As used in this chapter, unless the context otherwise~~
9 ~~requires:~~

- 10 1. "Full time" means that a student is enrolled for at least twenty-four semester hours
11 during an academic year.
- 12 2. "Nonbeneficiary student" means a resident of North Dakota who is enrolled in a
13 tribally controlled community college but is not an enrolled member of a federally
14 recognized Indian tribe nor a biological child of a living or deceased member of an
15 Indian tribe.
- 16 ~~2.~~ 3. "Tribally controlled community college" means an institution of higher education in
17 this state which is formally controlled or has been formally sanctioned or chartered
18 by the governing body of an Indian tribe, or any combination of federally
19 recognized Indian tribes.

20 **SECTION 2. AMENDMENT.** Section 15-70-04 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **15-70-04. Submission of grant application - Distribution of grants.** In order to
23 qualify for a grant under this chapter, an institution shall submit an application in the manner
24 required by the state board of higher education. The application must document the enrollment

1 status of each student on whose account financial assistance under this chapter is sought. If an
2 application is approved, the board shall distribute to each tribally controlled community college,
3 during each year of the biennium, ~~four~~ five thousand ~~five~~ three hundred ~~eighty-one~~ four dollars
4 ~~for each~~ per full-time equivalent nonbeneficiary student ~~on a full-time equivalent basis.~~ If the
5 amount appropriated is insufficient, the board shall distribute a prorated amount per full-time
6 equivalent nonbeneficiary student ~~on a full-time equivalent basis.~~

7 **SECTION 3. AMENDMENT.** Section 15-70-05 of the North Dakota Century Code is
8 amended and reenacted as follows:

9 **15-70-05. Reporting by recipient institutions - Failure to report.** Each institution
10 receiving a grant under this chapter shall ~~annually provide to the state board of higher~~
11 ~~education an accurate and detailed account of~~ submit to the legislative council a report detailing
12 the expenditures of the grant funds received by the institution under this chapter and, a copy of
13 the institution's latest audit report, and documentation of the enrollment status ~~and ethnic status~~
14 of each student on whose account financial assistance under this chapter is sought. Any
15 institution that fails to meet the requirements of this section is ineligible to receive future grants
16 under this chapter until the institution submits the required information.

17 **SECTION 4. AMENDMENT.** Section 57-51.1-07.4 of the North Dakota Century Code
18 is amended and reenacted as follows:

19 **57-51.1-07.4. Separate allocation of state share of collections from reservation**
20 **development.** Notwithstanding any other provision of law, the state treasurer shall transfer to
21 the permanent oil tax trust fund the first seven hundred thousand dollars of the state's share of
22 tax revenues under this chapter from oil produced from wells within the exterior boundaries of
23 the Fort Berthold Reservation ~~drilled and completed~~ after June 30, ~~2007~~ 2009.

24 **SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the
25 permanent oil tax trust fund in the state treasury, not otherwise appropriated, the sum of
26 \$700,000, or so much of the sum as may be necessary, to the state board of higher education
27 for the purpose of providing grant assistance to tribally controlled community colleges, for the
28 biennium beginning July 1, 2009, and ending June 30, 2011.

29 **SECTION 6. CONTINGENT MONEY.** If any money appropriated to the state board of
30 higher education for grant assistance to tribally controlled community colleges remains after the

1 board complies with all statutory payment obligations imposed under this Act, the state board
2 shall distribute a prorated amount per full-time equivalent nonbeneficiary student.

3 **SECTION 7. LEGISLATIVE INTENT.** It is the intent of the sixty-first legislative
4 assembly that the amendment of section 57-51.1-07.4 by section 4 of this Act is an
5 independent law for purposes of section 1-02-09 and prevails over any repeal of section
6 57-51.1-07.4 enacted by the sixty-first legislative assembly.

7 **SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure.