

1 SENATE BILL NO: 84

2 INTRODUCED BY JERGESON

3 BY REQUEST OF THE JOINT COMMITTEE ON POSTSECONDARY EDUCATION POLICY AND BUDGET

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE BOARD OF REGENTS, UPON APPROPRIATION
6 OF FUNDS, TO PROVIDE FINANCIAL ASSISTANCE TO RESIDENT NONBENEFICIARY STUDENTS
7 ATTENDING TRIBALLY CONTROLLED COMMUNITY COLLEGES IN MONTANA; PROVIDING
8 REQUIREMENTS FOR RECEIPT OF MONEY; PROVIDING FOR A REVERSION OF UNSPENT FUNDS TO THE
9 GENERAL FUND; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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11 WHEREAS, seven tribally controlled community colleges exist in the State of Montana; and12 WHEREAS, the tribal community colleges provide a quality, low-cost, and accessible college
13 program to Indian and non-Indian students each year; and14 WHEREAS, resident nonbeneficiary students do not qualify for financial support through the Bureau
15 of Indian Affairs or under the Tribally Controlled Community College Assistance Act of 1978; and16 WHEREAS, as a result of House Bill No. 544, enacted by the 1995 Legislature, the Board of Regents
17 entered into contracts with tribal community colleges to provide financial assistance to approximately 589
18 resident nonbeneficiary students in the 1997 biennium; and19 WHEREAS, without continuing state support, tribal community colleges will not be able to serve
20 resident nonbeneficiary students without increasing student fees, which may result in students dropping
21 out of college.22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:24
25 **NEW SECTION. Section 1. Financial assistance for resident nonbeneficiary students.** (1)
26 Subject to a line item appropriation for purposes of this section, the regents shall provide financial
27 assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students.28 (2) Each tribal community college shall apply for this assistance to the regents. Except as provided
29 in subsection (6), the money must be distributed on a prorated basis according to the resident
30 nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify,

1 a resident nonbeneficiary student shall meet the residency requirements as prescribed for the system by
2 the regents. The distribution for any student is limited to a maximum of \$1,500 each year for each full-time
3 equivalent student.

4 (3) An expenditure is contingent upon the tribal community college:

5 (a) being accredited or being a candidate for accreditation by the northwest association of schools
6 and colleges;

7 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter
8 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary
9 students and documentation on the curriculum to ensure that the content and quality of courses offered
10 by the tribal community college are consistent with the standards adopted by the system; and

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

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

16 (6) Prior to receiving money pursuant to subsection (1), each tribal community college shall:

17 (a) grant to resident nonbeneficiary students who meet the residency requirements, as prescribed
18 for the system by the regents, fee waivers in the same percentage as the number of Indian students who
19 are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system; and

20 (b) subtract the costs of resident nonbeneficiary fee waivers granted under subsection (6)(a) from
21 the total amount of prorated money to be distributed.

22

23 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send
24 a copy of [this act] to each tribal government located on the seven Montana reservations and to the
25 presidents of the seven Montana tribally controlled community colleges.

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27 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
28 integral part of Title 20, chapter 25, part 4, and the provisions of Title 20, chapter 25, part 4, apply to
29 [section 1].

30

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0084, as introduced

DESCRIPTION OF PROPOSED LEGISLATION: A bill requiring the Board of Regents, upon appropriation of funds, to provide financial assistance to resident nonbeneficiary students attending tribally controlled community colleges in Montana; providing requirements for receipt of money; providing for a reversion of unspent funds to the General fund, and providing an immediate effective date.

ASSUMPTIONS:

1. The calculation of cost is based upon academic year 1996. In this year, there were 2,520 full time equivalent (FTE) students and 324 FTE non beneficiary students at the seven Tribal Colleges.
2. The estimate of expense is based on fully funding each non beneficiary student at \$1,500 per nonbeneficiary FTE, less the calculated Tribal college fee waiver amount.
3. The calculated Tribal college fee waiver amount is the percentage Indian students, who are receiving fee waivers in the Montana University System (estimated at 1.6%) times the number of students in each college, times the tuition at that college.

FISCAL IMPACT:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
Grants	436,895	436,895
Total	436,895	436,895
General Fund	436,895	436,895

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: none

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: none

TECHNICAL NOTES: This act is subject to a line item appropriation.

Dave Lewis 1-7-97
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Greg Jergeson 1/9/97
GREG JERGESON, PRIMARY SPONSOR DATE
Fiscal Note for SB0084, as introduced

SB 84

APPROVED BY COM ON EDUCATION
AND CULTURAL RESOURCES

SENATE BILL NO. 84

INTRODUCED BY JERGESON, HOLLAND, PECK, MOHL, WATERMAN, TOEWS, TUSS
BY REQUEST OF THE JOINT COMMITTEE ON POSTSECONDARY EDUCATION POLICY AND BUDGET

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OF FUNDS, TO PROVIDE FINANCIAL ASSISTANCE TO RESIDENT NONBENEFICIARY STUDENTS
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REQUIREMENTS FOR RECEIPT OF MONEY; PROVIDING FOR A REVERSION OF UNSPENT FUNDS TO THE
GENERAL FUND; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, seven tribally controlled community colleges exist in the State of Montana; and

WHEREAS, the tribal community colleges provide a quality, low-cost, and accessible college
program to Indian and non-Indian students each year; and

WHEREAS, resident nonbeneficiary students do not qualify for financial support through the Bureau
of Indian Affairs or under the Tribally Controlled Community College Assistance Act of 1978; and

WHEREAS, as a result of House Bill No. 544, enacted by the 1995 Legislature, the Board of Regents
entered into contracts with tribal community colleges to provide financial assistance to approximately 589
resident nonbeneficiary students in the 1997 biennium; and

WHEREAS, without continuing state support, tribal community colleges will not be able to serve
resident nonbeneficiary students without increasing student fees, which may result in students dropping
out of college.

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

NEW SECTION. Section 1. Financial assistance for resident nonbeneficiary students. (1)

Subject to a line item appropriation for purposes of this section, the regents shall provide financial
assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students.

(2) Each tribal community college shall apply for this assistance to the regents. Except as provided
in subsection (6), the money must be distributed on a prorated basis according to the resident
nonbeneficiary student enrollment in each tribal community college during the previous year. To qualify,

1 a resident nonbeneficiary student shall meet the residency requirements as prescribed for the system by
 2 the regents. The distribution for any student is limited to a maximum of \$1,500 each year for each full-time
 3 equivalent student.

4 (3) An expenditure is contingent upon the tribal community college:

5 (a) being accredited or being a candidate for accreditation by the northwest association of schools
 6 and colleges;

7 (b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter
 8 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary
 9 students and documentation on the curriculum to ensure that the content and quality of courses offered
 10 by the tribal community college are consistent with the standards adopted by the system; and

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

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

16 (6) Prior to receiving money pursuant to subsection (1), each tribal community college shall:

17 (a) grant to resident nonbeneficiary students who meet the residency requirements, as prescribed
 18 for the system by the regents, fee waivers in the same percentage as the number of Indian students who
 19 are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system; and

20 (b) subtract the costs of resident nonbeneficiary fee waivers granted under subsection (6)(a) from
 21 the total amount of prorated money to be distributed.

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23 **NEW SECTION. Section 2. Notification to tribal governments.** The secretary of state shall send
 24 a copy of [this act] to each tribal government located on the seven Montana reservations and to the
 25 presidents of the seven Montana tribally controlled community colleges.

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27 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
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22 (7) THE CALCULATION IN SUBSECTION (6) IS NOT INTENDED TO ALLOW THE UNIVERSITY
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1 integral part of Title 20, chapter 25, part 4, and the provisions of Title 20, chapter 25, part 4, apply to
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4 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

5

-END-

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