

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."
6

7 **Section 2.** Section 20-25-428, MCA, is amended to read:

8 **"20-25-428. Financial assistance Reimbursement for services provided to resident nonbeneficiary**
9 **students.** (1) Subject to a line item appropriation for purposes of this section, the regents shall provide ~~financial~~
10 ~~assistance~~ a reimbursement to tribally controlled community colleges for enrolled resident nonbeneficiary
11 students who, except as provided in subsection (8), are taking courses for which credit is transferable to another
12 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 for each
21 full-time equivalent student.

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

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

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

29 (c) providing the regents with documentation that credits for the courses in which the resident
30 nonbeneficiary students are enrolled, except as provided in subsection (8), will be accepted at another Montana

1 college or university; and

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

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

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

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

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

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

15

16 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2015.

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