

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

642T0745

## SENATE BILL NO. 159

Introduced by: Senators Bradford, Buhl, Frerichs, Juhnke, Maher, and Sutton and  
Representatives Killer, Brunner, Fargen, Iron Cloud III, Lucas, Russell,  
Schrempp, Sigdestad, Stricherz, and Wismer

1 FOR AN ACT ENTITLED, An Act to authorize funding for certain tribal colleges to defray  
2 certain costs associated with educating nonbeneficiary students at tribal colleges and to  
3 make an appropriation therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. The Board of Regents shall provide financial assistance to tribally controlled  
6 colleges and community colleges to defray a portion of the costs incurred by the college or  
7 community college in providing educational services for enrolled resident nonbeneficiary  
8 students. For purposes of this Act, a nonbeneficiary student is a student who is enrolled in a  
9 tribally controlled college or community college, but is not an enrolled member of a federally  
10 recognized Indian tribe.

11 Section 2. To receive assistance under this Act, a tribal college or community college shall  
12 apply to the Board of Regents. The money shall be distributed on a prorated basis according to  
13 the eligible resident nonbeneficiary student enrollment in each tribal college or community  
14 college during the previous year. The nonbeneficiary student enrollment includes each



1 nonbeneficiary student who is enrolled at the college or community college, who meets the  
2 South Dakota residency requirements prescribed for institutions controlled by the Board of  
3 Regents, and who is enrolled in courses for which credit is transferable to an institution  
4 controlled by the Board of Regents. However, the requirement for enrollment in courses for  
5 which credit is transferable to an institution controlled by the Board of Regents does not apply  
6 to a nonbeneficiary student enrolled in a course directly related to a vocational degree program  
7 or to a two-year to four-year degree program or certificate program. Funding under this Act is  
8 limited to a maximum of three thousand dollars each year for each full-time equivalent  
9 nonbeneficiary student.

10 Section 3. To qualify for funding under this Act, the tribal college or community college  
11 shall meet each of the following requirements:

- 12 (1) Be accredited or be a candidate for accreditation by the North Central Association of  
13 Colleges and Secondary Schools Accrediting Agency;
- 14 (2) Enter into a contract or agreement with the Board of Regents to provide the board  
15 with information relating to eligibility of resident nonbeneficiary students and  
16 documentation on the curriculum to ensure that the content and quality of courses  
17 offered by the tribal community college are consistent with the standards adopted by  
18 the system;
- 19 (3) Provide the regents with documentation that credits for the courses in which the  
20 resident nonbeneficiary students are enrolled will be accepted at another South  
21 Dakota college or university, if applicable; and
- 22 (4) File with the Board of Regents evidence that the college's enrollment of Indian  
23 students is at least fifty-one percent, as required by the Tribally Controlled  
24 Community College Assistance Act of 1978, 25 U.S.C. 1804, as amended to

1           January 1, 2012.

2           Section 4. Any funding that is available pursuant to this Act is in addition to the budget  
3 approved for the Board of Regents in the general appropriations act.

4           Section 5. There is hereby appropriated from the general fund the sum of five hundred  
5 thousand dollars (\$500,000), or so much thereof as may be necessary, to the Board of Regents  
6 to provide funding in accordance with sections 1 to 4, inclusive, of this Act to tribally controlled  
7 colleges and community colleges to defray a portion of the costs incurred by such institutions  
8 in providing educational services to non-Indian students.

9           Section 6. The executive director of the Board of Regents shall approve vouchers and the  
10 state auditor shall draw warrants to pay expenditures authorized by this Act.

11           Section 7. Any amounts appropriated in this Act not lawfully expended or obligated by June  
12 30, 2013, shall revert in accordance with § 4-8-21.