

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** HM 37

**51st Legislature, 2nd Session, 2014**

**Tracking Number:** .196005.1

**Short Title:** Tribal College Lottery Scholarship Exclusion

**Sponsor(s):** Representative Sharon Clahchischilliage and Others

**Analyst:** Travis Dulany

**Date:** February 15, 2014

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**Bill Summary:**

HM 37 requests that the Higher Education Department (HED) examine the following, during the 2014 interim, to identify where tribal colleges are excluded:

- state programs;
- policies and procedures; and
- accompanying budget and funding processes, including the Legislative Lottery Scholarship program.

The memorial further requests that HED:

- draft a report with findings and recommendations to address how tribal colleges shall be included in state programs, policies, procedures, regulations, and accompanying annual budgets and funding processes;
- make the draft report available for comment by interested parties, including Indian nations, tribes, and pueblos 90 days before the 2015 regular legislative session;
- identify the manner in which the Legislature and state agencies will use statute and rule to achieve and implement the report's recommendations; and
- submit the final report to the interim Indian Affairs Committee and the Legislative Education Study Committee for further action as necessary.

**Fiscal Impact:**

Legislative memorials do not contain appropriations.

**Substantive Issues:**

A number of administrative issues with regard to funding and reimbursement for tribal colleges have arisen during discussions in recent years, including dual credit and the Legislative Lottery Scholarship program.

*Dual Credit*

Legislation that included tribal colleges and federal Bureau of Indian Education high schools in the state's dual credit program was enacted in 2010 (Chapter 36). While this legislation

expanded the opportunities for participation in the dual credit program, it also created the need for new administrative procedures, particularly with regard to tuition reimbursement.

Statutorily and constitutionally established, state-supported higher education institutions receive reimbursement for their dual credit students through the higher education funding formula; however, because tribal colleges are not funded through the funding formula, a different method for reimbursing tribal colleges that waive tuition for dual credit students was necessary.

During the 2012 regular legislative session, legislation was enacted that created the Tribal College Dual Credit Program Fund (Chapter 44), which was “to be used only to compensate tribal colleges for the tuition and fees waived” to allow high school students to attend tribal colleges pursuant to the dual credit program. Although the fund was created, no appropriation was made to the fund for FY 13. In FY 14, the Legislature appropriated \$100,000 to HED for dual credit in tribal colleges; however, the department recently reported that it is currently in the process of gathering data from tribal colleges prior to distribution of funds. Legislation has been introduced during the 2013 and current legislative sessions to appropriate funds to the Tribal College Dual Credit Program Fund (see “Related Bills,” below).

### *Legislative Lottery Scholarship*

Statute governing the Legislative Lottery Scholarship provides for tuition awards for qualified students attending certain universities; however, tribal colleges located within the state – the Southwest Indian Polytechnic Institute, Diné College, the Institute of American Indian Arts, and Navajo Technical College – are not enumerated in this section of law and therefore do not distribute Legislative Lottery Scholarship awards.

The Legislature passed a similar senate memorial during the 2013 legislative session. HED reports that the department has supported an extension of the Legislative Lottery Scholarship to students at tribal colleges if sufficient funds were available to maintain solvency of the Lottery Tuition Fund.

### **Committee Referrals:**

HEC

### **Related Bills:**

HB 145 *Lottery Scholarship Changes*  
\*HB 254 *Lottery Scholarship Solvency*  
\*HB 263a *Lottery Scholarship Changes*  
HB 348 *Legislative Lottery Tuition Waiver Act*  
SB 3 *Tribal College Dual Credit Program Fund*  
SB 139 *Tribal College Dual Credit Program*  
\*SB 150 *Lottery Scholarship Solvency*  
\*SB 327 *Lottery Tuition Fund Act & Solvency*  
\*SB 379 *Lottery Tuition Fund Solvency*  
SM 23 *Tribal College Lottery Scholarship Exclusion (Identical)*