

**SENATE BILL NO. 2082
with House Amendments**

Sixty-first
Legislative Assembly
of North Dakota

SENATE BILL NO. 2082

Introduced by

Education Committee

(At the request of the State Board of Higher Education)

1 A BILL for an Act to amend and reenact sections 15-10-18.2 and 15-10-19.1 of the North
2 Dakota Century Code, relating to tuition and tuition waivers for veterans and their dependents
3 at state institutions of higher education.

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

5 **SECTION 1. AMENDMENT.** Section 15-10-18.2 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **15-10-18.2. Definitions.**

8 1. "Dependent" for purposes of section 15-10-18.3 means:

9 a. A child, stepchild, spouse, widow, or widower of a resident veteran, as
10 "veteran" is defined in section 37-01-40, who was killed in action or died from
11 wounds or other service-connected causes, was totally disabled as a result of
12 service-connected causes, died from service-connected disabilities, was a
13 prisoner of war, or was declared missing in action; ~~or~~

14 b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was
15 killed in action or died from wounds or other service-connected causes, was
16 totally disabled as a result of service-connected causes, died from
17 service-connected disabilities, was a prisoner of war, or was declared missing
18 in action, provided the child's other parent has been a resident of this state
19 and was a resident of this state at the time of death or determination of total
20 disability of the veteran; or

21 c. A child or a stepchild of a veteran, as defined in section 37-01-40, who was
22 killed in action or died from wounds or other service-connected causes, was
23 totally disabled as a result of service-connected causes, died from
24 service-connected disabilities, was a prisoner of war, or was declared missing

1 in action, provided the child's other parent establishes residency in this state
2 and maintains that residency for a period of five years immediately preceding
3 the child's or stepchild's enrollment at an institution under the control of the
4 state board of higher education.

5 2. "Resident veteran" means a veteran who:

- 6 a. Was born in and lived in this state until entrance into the armed forces of the
7 United States;
8 b. Was born in, but was temporarily living outside this state, not having
9 abandoned residence therein prior to entrance into the armed forces of the
10 United States;
11 c. Was born elsewhere but had resided within this state for at least six months
12 prior to entrance into military service and had prior to or during such
13 six-month period:
14 (1) Registered for voting, or voted in this state;
15 (2) Being an unemancipated minor during such period of residence, had
16 lived with a parent or person standing in loco parentis who had
17 acquired a residence as set forth in this section; or
18 (3) If not registered for voting in this state, not registered for voting in
19 another state; or
20 d. Has been a resident of this state for the ten years prior to the request for
21 tuition waiver.

22 **SECTION 2. AMENDMENT.** Section 15-10-19.1 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **15-10-19.1. Nonresident and resident student for tuition purposes defined.**

- 25 1. A "nonresident student" for tuition purposes means any student other than a
26 resident student.
27 2. A "resident student" for tuition purposes means:
28 a. A person whose guardian, custodial parent, or parents are legal residents of
29 this state and have resided in this state for twelve months, or a dependent
30 child whose custodial parent moved into the state with the intent to establish

- 1 legal residency for a period of years within the last twelve months immediately
- 2 prior to the beginning of the academic term;
- 3 b. A person of age eighteen or over who is a legal resident of this state and has
- 4 resided in this state after reaching age eighteen for twelve months
- 5 immediately prior to the beginning of the academic term;
- 6 c. A person who graduated from a North Dakota high school;
- 7 d. A full-time active duty member of the armed forces ~~or~~, a member of a North
- 8 Dakota national guard unit, or a veteran as defined in section 37-01-40;
- 9 e. A spouse or dependent of a full-time active duty member of the armed forces
- 10 or a member of a North Dakota national guard unit or of an employee of any
- 11 institution of higher education in this state, and a spouse of any other resident
- 12 for tuition purposes;
- 13 f. A person who was a legal resident of this state for at least three consecutive
- 14 years within six years of the beginning of the academic term; or
- 15 g. A child, ~~spouse~~, widow, or widower of a veteran as defined in section
- 16 37-01-40 who was killed in action or died from wounds or other
- 17 service-connected causes, was totally disabled as a result of
- 18 service-connected causes, died from service-connected disabilities, was a
- 19 prisoner of war, or was declared missing in action.
- 20 3. A temporary absence from the state for vacation or other special or temporary
- 21 purposes may not be considered an abandonment of residency in this state,
- 22 provided a residence is maintained in this state during the temporary absence.
- 23 However, a student who leaves the state and resides in another state for a period
- 24 of months is not considered a resident of this state during those months if the
- 25 student does not maintain a place of residence in this state during the student's
- 26 absence.