

**Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1138
(Education Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact sections 37-07.1-02 and 37-07.2-01 of the North Dakota Century Code, relating to tuition waivers and grants for national guard members; and to repeal section 37-07.1-06.1 of the North Dakota Century Code, relating to the national guard tuition fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-07.1-02 of the North Dakota Century Code is amended and reenacted as follows:

37-07.1-02. Definitions. As used in this chapter, unless the context or subject matter otherwise requires:

1. "School" means any university, college, career and technical education school, technical school, or postsecondary educational institution.
2. "State-controlled school" means any school which is controlled, financially supported, and operated by the state, a school district, or any other political subdivision.
3. "Tuition" means the normal registration fee. ~~It does not include graduation, activity, or incidental fees, book rental, laboratory, service, supply, union building, hospital and medical insurance fees, or any fees established for the operation and maintenance of buildings, the income of which is pledged for the payment of interest and principal on bonds issued by the governing board of any school.~~

SECTION 2. AMENDMENT. Section 37-07.2-01 of the North Dakota Century Code is amended and reenacted as follows:

37-07.2-01. National guard tuition grants - Terms of grants. Any qualifying member of the national guard who enrolls in an accredited postsecondary institution in North Dakota may, subject to the limitations of available appropriated funds and subject to national guard rules adopted by the adjutant general, receive a grant in an amount ~~equal to the payments made pursuant to chapter 37-07.1~~ not to exceed the cost of tuition and fees for similar courses and credit hours for each qualifying member of the national guard who is enrolled at the university of North Dakota. Any accredited postsecondary institution that agrees to participate in such a program must waive twenty-five percent of the tuition for qualifying national guardsmen. These grants must be distributed according to rules promulgated by the adjutant general and are available only so long as the member maintains satisfactory performance with the guard, meets the qualification requirements of the rules, and pursues a course of study which satisfies the normal requirements of the school. ~~As used in this chapter, the word "tuition" has the same meaning as provided in section 37-07.1-02.~~

SECTION 3. REPEAL. Section 37-07.1-06.1 of the North Dakota Century Code is repealed.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1138.

House Vote: Yeas 92 Nays 0 Absent 2

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2009.

Approved at _____ M. on _____, 2009.

Governor

Filed in this office this _____ day of _____, 2009,
at _____ o'clock _____ M.

Secretary of State