

Sixty-ninth  
Legislative Assembly  
of North Dakota

*Draft  
NDUS  
Proposed  
Amendments*

**SENATE BILL NO. 2170**

*ND residency?  
Reserved to ND?*

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Introduced by

Senators Dever, Castaneda, Paulson  
Representatives J. Olson, Pyle

A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the creation of the ~~army~~ armed forces reserve component scholarship program.

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

**SECTION 1.** A new chapter to title 15 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

For purposes of this chapter:

1. "Active duty" means full-time service pursuant to ~~an executive order of the president of the United States or the governor or an act of the congress of the United States~~ 10 USC 12301.
2. "Institution of higher education" means an institution at which the applicant is enrolled in:
  - a. ~~A degree-granting program, whether the institution is under the control of the state board of higher education or privately controlled;~~ An accredited institution of higher education with a physical presence in this state; or
  - b. An in-state nursing education program approved by the North Dakota board of nursing; or
  - c. ~~A program for a high-demand occupation identified under subsection 3 of section 15-10-38.1.~~

*-orig. bill  
excluded  
tribal  
colleges*

**Army Armed forces reserve component scholarship program - State board of higher education.**

1. The state board of higher education shall:
  - a. Administer the ~~army~~ armed forces reserve component scholarship program.
  - b. Approve all eligible applicants.
  - c. Process applications for the scholarship in the order received.
  - d. Provide scholarships regardless of the financial need of the applicant.

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2. The board may not grant priority to an applicant based on sex, race, or religion.

**Eligible applicant - Eligibility units.**

1. An eligible applicant:
  - a. Is ~~a~~ an active member of a reserve component of the United States army, navy, marine corps, air force, coast guard, or space force in the state; and
  - b. Is enrolled as a full-time student at an accredited institution of higher education with a physical presence in the state; and
  - c. Does not possess a baccalaureate degree; and
  - d. Has not received financial assistance under chapters 37 - 07.1 or 37 - 07.2.
2. ~~An individual~~ A reserve component member who ~~is~~ was also less than honorably discharged from a branch of the armed forces under other than honorable conditions is not eligible for a scholarship under this chapter.
3. A recipient of the scholarship may receive a scholarship for no more than forty-eight eligibility units.
4. For purposes of this section, ~~twelve or more credit hours in an academic term~~ full-time equals: twelve eligibility units, if the term is a semester, or the equivalent quarter hour, clock hour or non-term program equivalent.
  - a. ~~Twelve eligibility units, if the term is a semester.~~
  - b. ~~Eight eligibility units, if the term is a quarter.~~

**Scholarship amounts.**

1. Subject to legislative appropriations, the state board of higher education shall pay on behalf of an eligible applicant:
  - a. An amount equal to one hundred percent of the tuition charged by the institution, if an eligible applicant is enrolled at an institution of higher education under the control of the state board of higher education; or
  - b. The lesser of an amount equal to:
    - (1) One hundred percent of the tuition charged by the institution; or
    - (2) ~~The average tuition of all institutions of higher education under the control of the state board of higher education~~ An amount not to exceed the highest regular undergraduate tuition rate in the NDUS if enrolled at a nonpublic institution.



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- c. The board may not issue a scholarship under this chapter which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.
2. The state board of higher education may require:
- a. An applicant to apply for federal educational financial assistance programs, including programs offered by the United States department of defense, for which an applicant is eligible based on the applicant's military service.
- b. Other financial assistance received by a scholarship recipient be applied to eligible expenses before scholarship funds awarded under this section may be applied to the remaining eligible expenses of the recipient.
- For*
- last dollar*

#### **Active duty - Effects.**

If an eligible applicant is called to active duty and as a result withdraws or otherwise fails to complete courses for which scholarships have been awarded under this chapter:

1. The institution of higher education shall ~~grant the individual a leave of absence from the individual's education program and may not impose an academic penalty for withdrawal or failure to complete courses.~~ allow the student to withdraw from enrolled courses, grant the individual a leave of absence from the individual's education program, and may not impose an academic penalty for withdrawal or failure to complete courses.
2. If a scholarship for the courses has already been paid, the state board of higher education:
- (a) May not add the eligibility units for the term to the individual's accumulated eligibility units, ~~and the institution of higher education shall repay the scholarship amount to the state;~~ or
- (b) Shall add the eligibility units for the term to the individual's accumulated eligibility units as usual, if the institution of higher education agrees to allow the individual to complete the remainder of the courses in which the individual was enrolled at the time the individual was called to active duty.

#### **State board of higher education - Rules.**

The state board of higher education may adopt rules pursuant to chapter 28 - 32 necessary to implement and administer this chapter.

