Sixty-fourth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2015

HOUSE BILL NO. 1127
(Education Committee)
(At the request of the State Board of Higher Education)

AN ACT to amend and reenact section 15-10-19.1 of the North Dakota Century Code, relating to resident students for tuition purposes; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-19.1 of the North Dakota Century Code is amended and reenacted as follows:

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

1. A "nonresident student" for tuition purposes means any student other than a resident student.

2. A "resident student" for tuition purposes means:

   a. An individual whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;

   b. An individual of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;

   c. An individual who graduated from a North Dakota high school;

   d. (1) A full-time active duty member of the armed forces;

      (2) A member of the North Dakota national guard;

      (3) A member of the armed forces reserve component stationed in this state; or

      (4) A veteran, as defined in section 37-01-40;

   e. A benefited employee of the North Dakota university system;

   f. The spouse of:

      (1) A full-time active duty member of the armed forces;

      (2) A member of the North Dakota national guard;

      (3) A member of the armed forces reserve component stationed in this state;

      (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];

      (5) A benefited employee of the North Dakota university system; or

      (6) Any other individual who is a resident for tuition purposes;

g. A dependent of:

(1) A full-time active duty member of the armed forces;

(2) A member of the North Dakota national guard;

(3) A member of the armed forces reserve component stationed in this state;

(4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]; or

(5) A benefited employee of the North Dakota university system;

h. An individual who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term; or

i. A child, widow, or widower of a veteran as defined in section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action.

j. A covered individual as defined by section 702 of Public Law No. 113-146 [128 Stat. 1797; 38 U.S.C. 3679].

3. A temporary absence from the state for vacation or other special or temporary purposes may not be considered an abandonment of residency in this state, provided a residence is maintained in this state during the temporary absence. However, a student who leaves the state and resides in another state for a period of months is not considered a resident of this state during those months if the student does not maintain a place of residence in this state during the student's absence.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure.

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-fourth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1127 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 89 Nays 0 Absent 5

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 46 Nays 0 Absent 1

President of the Senate

Secretary of the Senate

Received by the Governor at 11:40 A.M. on March 11, 2015.

Approved at 1:29 P.M. on March 12, 2015.

Governor

Filed in this office this 12th day of March, 2015,

at 4:25 o'clock P M.

Secretary of State