

**HOUSE BILL NO. 1127**

Introduced by

Education Committee

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

1 A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code,  
2 relating to resident students for tuition purposes; and to declare an emergency.

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

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

6 **15-10-19.1. Nonresident and resident student for tuition purposes defined.**

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

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

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

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

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

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

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

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

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

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

24 f. The spouse of:

- 1 (1) A full-time active duty member of the armed forces;
- 2 (2) A member of the North Dakota national guard;
- 3 (3) A member of the armed forces reserve component stationed in this state;
- 4 (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to
- 5 transfer entitlement under the Post 9-11 Veterans Educational Assistance
- 6 Act of 2008 [38 U.S.C. 3301];
- 7 (5) A benefited employee of the North Dakota university system; or
- 8 (6) Any other individual who is a resident for tuition purposes;
- 9 g. A dependent of:
  - 10 (1) A full-time active duty member of the armed forces;
  - 11 (2) A member of the North Dakota national guard;
  - 12 (3) A member of the armed forces reserve component stationed in this state;
  - 13 (4) A veteran, as defined in section 37-01-40, provided the veteran is eligible to
  - 14 transfer entitlement under the Post 9-11 Veterans Educational Assistance
  - 15 Act of 2008 [38 U.S.C. 3301]; or
  - 16 (5) A benefited employee of the North Dakota university system;
- 17 h. An individual who was a legal resident of this state for at least three consecutive
- 18 years within six years of the beginning of the academic term;
- 19 i. A child, widow, or widower of a veteran as defined in section 37-01-40 who was
- 20 killed in action or died from wounds or other service-connected causes, was
- 21 totally disabled as a result of service-connected causes, died from
- 22 service-connected disabilities, was a prisoner of war, or was declared missing in
- 23 action; or
- 24 j. A covered individual as defined by section 702 of Public Law No. 113-146 [128
- 25 Stat. 1797; 38 U.S.C. 3679].
- 26 3. A temporary absence from the state for vacation or other special or temporary
- 27 purposes may not be considered an abandonment of residency in this state, provided
- 28 a residence is maintained in this state during the temporary absence. However, a
- 29 student who leaves the state and resides in another state for a period of months is not
- 30 considered a resident of this state during those months if the student does not
- 31 maintain a place of residence in this state during the student's absence.

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