

2009 SENATE EDUCATION

SB 2082

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2082

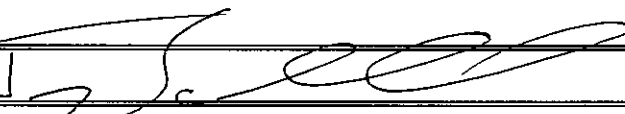
Senate Education Committee

Check here for Conference Committee

Hearing Date: January 12, 2009

Recorder Job Number: 6791

Committee Clerk Signature



"Troy Schuchard"

Minutes:

**Chairman Freborg** called hearing on SB 2082 to order.

**Pat Seaworth**, Council for Higher Education, testified in favor of SB 2082, which changed the eligibility of residency for college admissions. Any veteran applying for college admission would be granted "resident" status and subsequently "resident tuition". (See attachment #1)

**Senator Flakoll** asked to clarify if the recipients would have to be veterans of U.S. Military, and not specifically "on our side" in said war.

**Pat Seaworth** clarified through another specific section in the Century Code to clarify "veteran" means veteran of the United States Military.

Chairman Freborg recommended DO PASS on SB 2082, 5-0.

**FISCAL NOTE**  
 Requested by Legislative Council  
 03/19/2009

Amendment to: SB 2082

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>				(\$750,000)		(\$800,000)
<b>Expenditures</b>						
<b>Appropriations</b>						

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Adds veterans to the list of those who qualify as residents for tuition purposes at NDUS institutions, thereby reducing the tuition rate charged to non-resident veterans.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Reducing the tuition rate charged from the non-resident to the resident rate, will reduce tuition collections.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Assuming no additional new veteran enrollments to offset the tuition loss from the rate reduction, the NDUS estimates the loss of approximately \$750,000 in tuition income per year. However, in addition to recognizing veterans for their service, the NDUS hopes to attract additional veteran enrollments.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

<b>Name:</b>	Laura Glatt	<b>Agency:</b>	North Dakota University System
<b>Phone Number:</b>	328-4116	<b>Date Prepared:</b>	03/19/2009

SB 2082

Date: 1-12-09  
Roll Call Vote #: \_\_\_\_\_

**2009 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO.**

Senate Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Pass

Motion Made By Flakoll Seconded By Bakke

Senators	Yes	No	Senators	Yes	No
Senator Freborg	✓		Senator Taylor	✓	
Senator Gary Lee	✓		Senator Bakke	✓	
Senator Flakoll	✓				

Total (Yes) 5 No 0

Absent 0

Floor Assignment G. Lee

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2082: Education Committee (Sen. Freborg, Chairman) recommends DO PASS**  
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the  
Eleventh order on the calendar.

2009 HOUSE EDUCATION

SB 2082

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2082

House Education Committee

Check here for Conference Committee

Hearing Date: March 3, 2009

Recorder Job Number: 10060

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Pat Seaworth, General Counsel, North Dakota University System,** appeared in support.

**(See Attachment 1.)**

**Rep. Lyle Hanson:** You just mentioned tuition. How about fees? Sometimes the fees are pretty high too.

**Pat Seaworth:** Generally the fees are the same across the board. Residents and nonresidents alike pay the same fees.

**Rep. Jerry Kelsh:** On page 2, Line 2, regarding the part about removing spouse, I am assuming he could still be alive and his spouse would not then be eligible. If he died, he would be widowed. If he was a prisoner of war, he could still be alive or even declared missing in action, he could still be alive. I was just wondering if we remove all doesn't it take away some of the benefits that she would have had under those three circumstances?

**Pat Seaworth:** The only reason for striking the word spouse on page 2 in Line 3 is that it would become redundant with the change on page 1. The spouse of the veteran is also eligible.

**Rep. Bob Hunsakor:** You indicated that many other states are contemplating this type of thing.

You have any idea on numbers?

**Pat Seaworth:** No I don't have a number or list. When I drafted this I noticed several. Texas comes to mind. The Texas Board of Regents is just considering a couple of months ago considering something. I noticed there were news articles on several other states that I noticed during my research.

**Rep. Bob Hunsakor:** Bordering states—Minnesota, Montana, South Dakota?

**Pat Seaworth:** I don't know. This will not affect residents of Minnesota because we have a reciprocity agreement with Minnesota and that agreement says that Minnesota residents pay this tuition rate which is slightly more than the North Dakota resident rate because it is based on tuition at Minnesota institutions. Minnesota residents attending North Dakota institutions pay the Minnesota tuition rate at Minnesota institutions and vice versa. The Minnesota residents comprise the largest percentage of our nonresident students.

**Chairman Kelsch:** Pam can look and see if South Dakota or Montana have done anything. Although South Dakota, this is their budget section year so they may not have dealt with any policy issues like this.

**Pat Seaworth:** The impetus for this was the new GI Bill because of the enhanced benefits and capping the benefit at the resident tuition rate so consisting with that a number of system institutions thought it may sense to make veterans eligible for resident tuition rates at those institutions.

There was no opposition.

**Chairman Kelsch:** By way of information, there was somewhat of an anomaly with this type of legislation with our definition that we have in code regarding who is an eligible veteran. Ron Otto will explain further. We have a situation where we have a widow and young family that moved into the state of North Dakota. They have lived here for quite some time, established residency here, and her children are now college age and are not eligible to receive the tuition



waivers. Normally, if her husband would have been a resident here or would have died here, their family would have been eligible. I am drafting an amendment that obviously would have to come before this committee. It is germane to this piece of legislation and we will look at it. I am going to have Ron come up and explain it to you a little bit. It is my understanding that he did talk to the board of higher ed. and the board of higher ed. is fine with it. We want to establish that the widow has lived in the state and establish residency for at least five years which is a little bit more than some of these other tasks which are three years.

**Ron Otto, Morton and Oliver County Veteran Service Officer**, appeared. There was a lady who lost her husband. She lived in an area of a state that was not conducive to raising a family. She did some research and found our area here was one of the best areas in the country to raise children. She had two very young daughters. She has lived here for just about 14 years, bought a home, pays taxes, and when it came time to send her children to college, she came to the office and discussed tuition waiver with me knowing full well that children in receipt of Chapter 35 benefits which is the survivors' benefits for education through the VA. Chapter 35 is a benefit for surviving dependents when a veteran has passed away or died of a service connected disability or was killed in service. We found out that her children were not eligible for the tuition waiver because the veteran died in another state and there is no way through the laws we have in place right now that we can find an avenue with which to make her children eligible. We thought this would be a good companion bill. I don't want to take away from 2082. The GI Bill has been pretty stagnant for a lot of years. With the new GI Bill coming down the pike, they are finally trying to do some catch up from action in World War II days and give the benefits that the World War II veterans had coming out where they could go to any institution in the United States. If she sent her children to the state where her husband died, her children would get the tuition waivers. The coordinating council who is the

consolidation of the people in the veterans' group that has the responsibility for putting this stuff together, voted on this issue, said yes we want to do this, and basically something happened along the way. It was forgotten about and was not introduced so now we are at this particular point in time where we have to find a vehicle and get this through for this particular family. It is not going to be the only time. This will happen particularly with the wars we have going on now. We have to take care of those people and make this an attractable place to come and raise their children

**Vice Chair Lisa Meier:** How long ago had this individual come in to visit with you about this situation?

**Ron Otto:** Right after the last session.

**Vice Chair Lisa Meier:** Her daughter has been in college for a couple of years?

**Ron Otto:** Her first daughter I believe is either a junior or senior in college. The way she heard about it, quite frankly, was the stepchild provision that we put into tuition waiver. That hit the paper. That was what peaked her curiosity.

**Rep. Phillip Mueller:** We are talking about in state tuition versus tuition waivers. I am not getting connection here.

**Chairman Kelsch:** I did run it by Anita. I asked her if it was germane to any of the higher ed. bills right now in committee. She said this would be the bill that would be germane because it does deal with veterans' benefits and it does deal with definitions of veteran 3701 and it does deal with resident and nonresident tuition. She felt as though the germaneness was there but this would be the only bill that we had.

**Pat Seaworth:** I just wanted to confirm that Mr. Otto did call me a year or so ago. He explained what the situation was, and I said I can't imagine that we would have any reason to oppose that. I would certainly recommend that the board of the university system support that

bill. As you heard, it didn't get it done. Then he did come up and see me yesterday. I said again speaking for myself, I certainly don't have any reason to oppose this. I have not discussed it with the board or the chancellor. Whether you want to attach it to this particular bill or some other one, that is your decision. We could adapt.

**Rep. Phillip Mueller:** How do the waivers work?

**Pat Seaworth:** For these waivers, there is a waiver by statute that says dependent children of veterans killed in action or died of service related conditions or who were POWs, those children are eligible for full tuition and fee waivers at university system institutions. If they enroll at one of our institutions, it is tuition and fee free except for limited fees such as aviation or flight fees that they do have to pay. There is no appropriation for that so for those students who are eligible for that entitlement, the institutions just absorb the cost. It is not a large number. I think it is somewhere between 12 and 20 students maybe system wide each year.

**Chairman Kelsch:** It is meant that they had to have died. It is not currently serving that they receive the waiver. They are POW or ...

**Pat Seaworth:** Killed in action, disabled, service related disability or died from a service related disability or a former POW. It doesn't necessarily have to be a veteran who has died. Children of a disabled veteran are eligible for the tuition and fee waiver.

The hearing was closed.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2082

House Education Committee

Check here for Conference Committee

Hearing Date: March 9, 2009

Recorder Job Number: 10463

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Chairman Kelsch** explained the attached amendment. Basically it says if the dependent has been a resident of this state for the five year period immediately preceding enrollment. This is to address that issue that had come up. Mr. Otto came in and spoke about it. Their organization had passed a resolution in support of putting a bill in and they forgot to do it. This amendment would take care of that issue. It won't help the first child but it will help the second child in order to receive the tuition waiver. **(See Attachment 1.)**

**Vice Chair Lisa Meier** moved to accept the amendment. **Rep. Mike Schatz** seconded the motion.

A voice vote was taken. The motion carries.

**Vice Chair Lisa Meier** made a motion for a **Do Pass as Amended**. **Rep. Karen Karls** seconded the motion.

**DO PASS AS AMENDED. 14 YEAS, 0 NAYS.** **Vice Chair Lisa Meier** is the carrier of this bill.

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2082

House Education Committee

Check here for Conference Committee

Hearing Date: March 16, 2009

Recorder Job Number: 11052

Committee Clerk Signature

*Carmen Hart*

Minutes:

**Vice Chair Lisa Meier** moved to reconsider amended SB 2082. **Rep. John Wall** seconded the motion.

A voice vote was taken. Motion carries.

**Chairman Kelsch:** We need to reconsider one more time. We need to reconsider our actions whereby we amended SB 2082.

**Vice Chair Lisa Meier** so moved. **Rep. John Wall** seconded the motion.

**Chairman Kelsch:** The amendments we had put on actually said any person had to lived in the state for five years whether they had qualified under the original or not. It actually did the reverse of what we were hoping that it was going to do. We caught it when it got to the floor. Rep. Meier was having questions when she was reading it and getting her testimony prepared. We sat down with the board of higher ed. and the veterans group and we have a new amendment that needs to be put on there. We just need to remove the amendment.

**Rep. Karen Karls:** So moved.

**Vice Chair Lisa Meier** seconded the motion.

**Chairman Kelsch:** Now we have original SB 2082 before us. Now we have it in correct form.

(See Attachment 1.)

Pat Seaworth, the attorney for the higher ed. board and Ron Otto from the veterans administration have reviewed these and these are the correct ones.

**Rep. Mike Schatz** moved for a **Do Pass on 0102**. **Rep. Karen Karls** seconded the motion.

A voice vote was taken. Motion carries.

**Rep. Mike Schatz** moved a **Do Pass as amended**. **Rep. Corey Mock** seconded the motion.

**DO PASS AS AMENDED. 14 YEAS, 0 NAYS.** **Vice Chair Lisa Meier** is the carrier of this bill.

VR  
3/9/09

PROPOSED AMENDMENTS TO SENATE BILL NO. 2082

Page 1, line 1, replace "section" with "sections 15-10-18.3 and"

Page 1, line 2, remove "eligibility of veterans for resident" and after "tuition" insert "and tuition waivers for veterans and their dependents"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 15-10-18.3 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-18.3. Free tuition in North Dakota institutions of higher education.**

1. Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; provided, ~~however,~~ that ~~the~~:
  - a. The dependent has been a resident of this state for the five-year period immediately preceding enrollment;
  - b. The bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and further provided that tuition
  - c. Tuition and fee charges shall do not include costs for aviation flight charges or expenses.
2. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section due to such an occurrence as the return of the prisoner of war or person missing in action."

Renumber accordingly

Date: 3-9-09  
Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Meier Seconded By Rep. Schatz

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

*voice  
vote  
motion  
Carried*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*to accept  
amendment*



Date: 3-9-09  
Roll Call Vote #: 2

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Meier Seconded By Rep Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch	✓		Rep. Lyle Hanson	✓	
Vice Chairman Lisa Meier	✓		Rep. Bob Hunsakor	✓	
Rep. Brenda Heller	✓		Rep. Jerry Kelsh	✓	
Rep. Dennis Johnson	✓		Rep. Corey Mock	✓	
Rep. Karen Karls	✓		Rep. Phillip Mueller	✓	
Rep. Mike Schatz	✓		Rep. Lee Myxter	✓	
Rep. John D. Wall	✓				
Rep. David Rust	✓				

Total (Yes) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Rep ~~Karls~~ Meier

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2082: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 15-10-18.3 and"

Page 1, line 2, remove "eligibility of veterans for resident" and after "tuition" insert "and tuition waivers for veterans and their dependents"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 15-10-18.3 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-18.3. Free tuition in North Dakota institutions of higher education.**

1. Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; provided, ~~however, that the~~
  - a. The dependent has been a resident of this state for the five-year period immediately preceding enrollment;
  - b. The bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and further provided that tuition
  - c. Tuition and fee charges shall do not include costs for aviation flight charges or expenses.
2. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section due to such an occurrence as the return of the prisoner of war or person missing in action."

Renumber accordingly

Date: 3-16-09  
 Roll Call Vote #: 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Meier Seconded By Rep Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

*Unic vote taken & reconsidered amended SB 2082 motion carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Date: 3-16-09  
 Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Meier Seconded By Rep. Wall

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heiler			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

*voice vote  
 taken. No  
 reconsider  
 actions*

Total (Yes) \_\_\_\_\_ No whereby amended  
SB 2082

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:  
*motion  
 carries*

Date: 3-16-09  
 Roll Call Vote #: 3

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
 BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Karls Seconded By Rep Meier

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

*Voice vote taken to remove amendment motion carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

VK  
3/12/09  
108

PROPOSED AMENDMENTS TO SENATE BILL NO. 2082

In lieu of the amendments adopted by the House as printed on pages 891 and 892 of the House Journal, Senate Bill No. 2082 is amended as follows:

Page 1, line 1, replace "section" with "sections 15-10-18.2 and"

Page 1, line 2, remove "eligibility of veterans for resident" and after "tuition" insert "and tuition waivers for veterans and their dependents"

Page 1, after line 3, insert:

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

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

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

- a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is 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; ~~or~~
- b. A child or a stepchild 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, provided the child's other parent has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or
- c. A child or a stepchild 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, provided the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the state board of higher education.

2. "Resident veteran" means a veteran who:

- a. Was born in and lived in this state until entrance into the armed forces of the United States;
- b. Was born in, but was temporarily living outside this state, not having abandoned residence therein prior to entrance into the armed forces of the United States;

- c. Was born elsewhere but had resided within this state for at least six months prior to entrance into military service and had prior to or during such six-month period:
  - (1) Registered for voting, or voted in this state;
  - (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; or
  - (3) If not registered for voting in this state, not registered for voting in another state; or
- d. Has been a resident of this state for the ten years prior to the request for tuition waiver."

Renumber accordingly

Date: 3-16-09  
Roll Call Vote #: 4

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number .0102

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Schatz Seconded By Rep Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

*voice vote taken to accept the amendment motion carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:



Date: 3-16-09  
 Roll Call Vote #: 4

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
 BILL/RESOLUTION NO. 2082

House Education Committee

Check here for Conference Committee

Legislative Council Amendment Number 0102

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Schatz Seconded By Rep Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman RaeAnn Kelsch			Rep. Lyle Hanson		
Vice Chairman Lisa Meier			Rep. Bob Hunsakor		
Rep. Brenda Heller			Rep. Jerry Kelsh		
Rep. Dennis Johnson			Rep. Corey Mock		
Rep. Karen Karls			Rep. Phillip Mueller		
Rep. Mike Schatz			Rep. Lee Myxter		
Rep. John D. Wall					
Rep. David Rust					

*voice vote taken to accept the amendment motion carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**SB 2082: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar.

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

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

- a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is 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; ~~or~~
- b. A child or a stepchild 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, provided the child's other parent has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or
- c. A child or a stepchild 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, provided the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the state board of higher education.

2. "Resident veteran" means a veteran who:

- a. Was born in and lived in this state until entrance into the armed forces of the United States;
- b. Was born in, but was temporarily living outside this state, not having abandoned residence therein prior to entrance into the armed forces of the United States;

- c. Was born elsewhere but had resided within this state for at least six months prior to entrance into military service and had prior to or during such six-month period:
  - (1) Registered for voting, or voted in this state;
  - (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; or
  - (3) If not registered for voting in this state, not registered for voting in another state; or
- d. Has been a resident of this state for the ten years prior to the request for tuition waiver."

Renumber accordingly

2009 TESTIMONY

SB 2082

**Senate Education Committee  
Testimony on SB 2082**

**Pat Seaworth, General Counsel  
North Dakota University System  
January 12, 2009**

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Chairman Freborg and members of the Senate Education Committee:

SB 2082, introduced at the request of the State Board of Higher Education, amends North Dakota Century Code section 15-10-19.1 by adding all veterans to the list of those who qualify as residents for tuition purposes at North Dakota University System institutions. With this amendment, anyone who served on continuous active military duty for 24 months (or the full period for which the person was ordered to active duty, if less than 24 months) and who was discharged under other than dishonorable conditions, would qualify for resident tuition rates, regardless of legal residency.

This legislation recognizes veterans for their service and may encourage veterans from other states considering higher education options to include NDUS institutions in their considerations. It is a logical response to the Post-9/11 Veterans Education Assistance Act of 2008 (the "New GI Bill"). That act provides expanded educational benefits, including payment of full tuition, not to exceed the most expensive state institution resident tuition rate. A number of state higher education systems and institutions in other states have taken or are considering similar action.

Although it is difficult to calculate a good estimate of fiscal impact, we believe the impact will be small. Veteran's status is not a required field on admissions applications and we don't have solid data on numbers of veterans now enrolled. Students can disclose this status voluntarily and based on self-disclosures, we know that at least 1,600 current students are veterans, of whom more than 1,000 are North Dakota residents. Many of the other veterans are residents of Minnesota or other states in the region with tuition rates established under a reciprocity agreement or regional educational compact.

Mr. Chairman and committee members, the State Board of Higher Education and North Dakota University System request your support of and favorable action on SB 2082.

Contact: Pat Seaworth (328-4169 or [pat.seaworth@ndus.edu](mailto:pat.seaworth@ndus.edu))

**House Education Committee  
Testimony on SB 2082**

**Pat Seaworth, General Counsel  
North Dakota University System  
March 3, 2009**

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Chairman Kelsch and members of the House Education Committee:

SB 2082, introduced at the request of the State Board of Higher Education, amends North Dakota Century Code section 15-10-19.1 by adding all veterans to the list of those who qualify as residents for tuition purposes at North Dakota University System institutions. With this amendment, anyone who served on continuous active military duty for at least 180 days (or the full period for which the person was ordered to active duty, if less than 180 days) and who was discharged under other than dishonorable conditions would qualify for resident tuition rates, regardless of legal residency.

This legislation recognizes veterans for their service and may encourage veterans from other states considering higher education options to take a serious look at NDUS institutions. It is a logical response to the Post-9/11 Veterans Education Assistance Act of 2008 (the "New GI Bill"). That act provides expanded educational benefits, including payment of full tuition, not to exceed the most expensive state institution resident tuition rate. A number of state higher education systems and institutions in other states have taken or are considering action similar to this bill in response to the federal legislation.

Although it is difficult to calculate a good estimate of fiscal impact, we believe the impact will be small. Veteran's status is not a required field on admissions applications and we don't have solid data on numbers of veterans now enrolled. Students can disclose this status voluntarily and based on self-disclosures, we know that at least 1,600 current students are veterans, of whom more than 1,000 are North Dakota residents. Many of the other veterans are residents of Minnesota or other states in the region with tuition rates established under a reciprocity agreement or regional educational compact.

Madam Chairman and committee members, the State Board of Higher Education requests your support of and favorable action on SB 2082.

Contact: Pat Seaworth (328-4169 or [pat.seaworth@ndus.edu](mailto:pat.seaworth@ndus.edu))