

Sixty-fourth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1205

Introduced by

Representatives Schatz, Fehr, Hunskor

Senators Anderson, Dotzenrod, Schaible

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2 and section  
2 15-10-18.3 of the North Dakota Century Code, relating to tuition reduction for dependents of  
3 disabled veterans based on disability ratings.

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

5 **SECTION 1. AMENDMENT.** Subsection 1 of section 15-10-18.2 of the North Dakota  
6 Century Code is amended and reenacted as follows:

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

8 a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran"  
9 is defined in section 37-01-40, who was killed in action or died from wounds or  
10 other service-connected causes, has a seventy-five to one hundred percent  
11 service-connected disability as determined by the department of veterans' affairs,  
12 has an extra-schedular rating to include individual unemployability that brings the  
13 veteran's total disability rating to one hundred percent as determined by the  
14 department of veterans' affairs, died from service-connected disabilities, was a  
15 prisoner of war, or was declared missing in action;

16 b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed  
17 in action or died from wounds or other service-connected causes, has a  
18 seventy-five to one hundred percent service-connected disability as determined  
19 by the department of veterans' affairs, has an extra-schedular rating to include  
20 individual unemployability that brings the veteran's total disability rating to one  
21 hundred percent as determined by the department of veterans' affairs, died from  
22 service-connected disabilities, was a prisoner of war, or was declared missing in  
23 action, provided the child's other parent has been a resident of this state and was

- 1 a resident of this state at the time of death or determination of total disability of  
2 the veteran; or
- 3 c. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed  
4 in action or died from wounds or other service-connected causes, has a  
5 seventy-five to one hundred percent service-connected disability as determined  
6 by the department of veterans' affairs, has an extra-schedular rating to include  
7 individual unemployability that brings the veteran's total disability rating to one  
8 hundred percent as determined by the department of veterans' affairs, died from  
9 service-connected disabilities, was a prisoner of war, or was declared missing in  
10 action, provided the child's other parent establishes residency in this state and  
11 maintains that residency for a period of five years immediately preceding the  
12 child's or stepchild's enrollment at an institution under the control of the state  
13 board of higher education.

14 **SECTION 2. AMENDMENT.** Section 15-10-18.3 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16 **15-10-18.3. Free and reduced tuition in North Dakota institutions of higher education.**

- 17 1. Any dependent, as defined in section 15-10-18.2, except dependents of veterans with  
18 a service-connected disability rating or a total disability rating of seventy-five to ninety  
19 percent, upon being duly accepted for enrollment into any undergraduate degree or  
20 certificate program of a North Dakota state institution of higher education, must be  
21 allowed to obtain a bachelor's degree or certificate of completion, for so long as the  
22 dependent is eligible, free of any tuition and fee charges if the bachelor's degree or  
23 certificate of completion is earned within a forty-five-month or ten-semester period or  
24 its equivalent and if tuition and fee charges do not include costs for aviation flight  
25 charges or expenses. Once an individual qualifies as a dependent under sections  
26 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of  
27 this section:
- 28 1. a. Due to the return of the prisoner of war;
- 29 2. b. Due to the return of the individual missing in action; or
- 30 3. c. Because the veteran through whom the benefit was obtained had a one hundred  
31 percent service-connected disability at the time of death.

1       2. Any dependent, as defined in section 15-10-18.2, of a veteran with a  
2       service-connected disability rating or a total disability rating of seventy-five to ninety  
3       percent, upon being duly accepted for enrollment into any undergraduate degree or  
4       certificate program of a North Dakota state institution of higher education, must be  
5       allowed to obtain a bachelor's degree or certificate of completion, for so long as the  
6       dependent is eligible, at a rate of tuition and fees that are reduced by the percentage  
7       of the disabled veteran's service-connected disability rating or total disability rating,  
8       whichever is higher; provided, however, that the bachelor's degree or certificate of  
9       completion is earned within a forty-five-month or ten-semester period or its equivalent;  
10      and further provided that tuition and fee charges eligible for this reduction do not  
11      include costs for aviation flight charges or expenses. Once an individual qualifies as a  
12      dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be  
13      disqualified from the benefits of this subsection because of the subsequent death of  
14      the veteran through whom the benefit was obtained.