

**SENATE BILL NO. 2225**

Introduced by

Senators Dever, Marcellais

Representatives Magrum, Meier, Tveit

1 A BILL ~~for an Act to amend and reenact sections 15-10-18.2 and 15-10-18.3 of the North~~  
2 ~~Dakota Century Code, relating to the definition of a dependent for tuition waiver purposes.~~for an  
3 Act to create and enact section 15-10-18.6 of the North Dakota Century Code, relating to  
4 providing reduced tuition and fee charges in North Dakota institutions of higher education for  
5 dependents of disabled veterans; and to provide an appropriation.

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

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

9 ~~— 15-10-18.2. Definitions.~~

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

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

19 ~~— b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed~~  
20 ~~in action or died from wounds or other service-connected causes, has a one~~  
21 ~~hundred percent service-connected disability as determined by the department of~~  
22 ~~veterans' affairs, has an extra-schedular rating to include individual~~  
23 ~~unemployability that brings the veteran's total disability rating to one hundred~~  
24 ~~percent as determined by the department of veterans' affairs, died from~~

1 ~~service-connected disabilities, was a prisoner of war, or was declared missing in~~  
2 ~~action, provided the child's other parent has been a resident of this state and was~~  
3 ~~a resident of this state at the time of death or determination of total disability of~~  
4 ~~the veteran; or~~

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

16 ~~\_\_\_\_\_ 2. "Resident veteran" means a veteran who:~~

17 ~~\_\_\_\_\_ a. Was born in and lived in this state until entrance into the armed forces of the~~  
18 ~~United States;~~

19 ~~\_\_\_\_\_ b. Was born in this state, but was temporarily living outside this state, not having~~  
20 ~~abandoned residence therein prior to in this state before entrance into the armed~~  
21 ~~forces of the United States;~~

22 ~~\_\_\_\_\_ c. Was born elsewhere but had resided within this state for at least six months~~  
23 ~~prior to before entrance into military service and had prior to before or during~~  
24 ~~such the six-month period:~~

25 ~~\_\_\_\_\_ (1) Registered for voting, or voted in this state;~~

26 ~~\_\_\_\_\_ (2) Being an unemancipated minor during such the period of residence, had~~  
27 ~~lived with a parent or person standing in loco parentis who had acquired a~~  
28 ~~residence as set forth in this section; or~~

29 ~~\_\_\_\_\_ (3) If not registered for voting in this state, not registered for voting in another~~  
30 ~~state; or~~

1 ~~\_\_\_\_\_ d. Has been a resident of this state for the ten years prior to~~before the request for  
2 ~~tuition waiver.~~

3 ~~\_\_\_\_\_ **SECTION 2. AMENDMENT.** Section 15-10-18.3 of the North Dakota Century Code is~~  
4 ~~amended and reenacted as follows:~~

5 ~~\_\_\_\_\_ **15-10-18.3. Free tuition in North Dakota institutions of higher education.**~~

6 ~~\_\_\_\_\_ Any dependent, as defined in section 15-10-18.2, upon being duly accepted for enrollment~~  
7 ~~into any undergraduate degree or certificate program of a North Dakota state institution of~~  
8 ~~higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for~~  
9 ~~so long as the dependent is eligible, free of any tuition and fee charges if the bachelor's degree~~  
10 ~~or certificate of completion is earned within a forty five month or ten semester period or its~~  
11 ~~equivalent and if tuition and fee charges do not include costs for aviation flight charges or~~  
12 ~~expenses. Once an individual qualifies as a dependent under sections 15-10-18.2 and~~  
13 ~~15-10-18.3 satisfies the requirements of this section, the dependent may not be disqualified from~~  
14 ~~the benefits of this section:~~

15 ~~\_\_\_\_\_ 1. Due to the return of the prisoner of war;~~

16 ~~\_\_\_\_\_ 2. Due to the return of the individual missing in action; or~~

17 ~~\_\_\_\_\_ 3. Because the resident veteran through whom the benefit was obtained had a~~  
18 ~~service-connected disability of at least fifty percent at the time of death; or~~

19 ~~\_\_\_\_\_ 4. Because the veteran through whom the benefit was obtained had a one hundred~~  
20 ~~percent service-connected disability at the time of death.~~

21 **SECTION 1.** Section 15-10-18.6 of the North Dakota Century Code is created and enacted  
22 as follows:

23 **15-10-18.6. Reduced tuition in North Dakota institutions of higher education.**

24 **1. As used in this section:**

25 **a. "Dependent" means a child, stepchild, spouse, widow, or widower of a resident**  
26 **veteran, as "veteran" is defined in section 37-01-40, who:**

27 **(1) Has a service-connected disability rating of at least fifty percent but no more**  
28 **than ninety-nine percent, as determined by the department of veterans'**  
29 **affairs; or**

30 **(2) Has an extra-schedular rating to include individual unemployability that**  
31 **brings the veteran's total disability rating to at least fifty percent but not more**

1 than ninety-nine percent, as determined by the department of veterans'  
2 affairs.

3 b. "Resident veteran" has the same meaning as provided under section 15-10-18.2.

4 2. Any dependent upon being duly accepted for enrollment into any undergraduate  
5 degree or certificate program of a North Dakota state institution of higher education is  
6 entitled to obtain a bachelor's degree or certificate of completion, for so long as the  
7 dependent is eligible, at reduced tuition and fee charges provided the bachelor's  
8 degree or certificate of completion is earned within a forty-five-month or ten-semester  
9 period or its equivalent. For purposes of this section, tuition and fee charges do not  
10 include costs for aviation flight charges or expenses.

11 3. A dependent is entitled to the following reduction in tuition and fees under  
12 subsection 2:

13 a. A fifty percent reduction if the resident veteran has a service-connected disability  
14 rating of at least fifty percent but not more than fifty-nine percent;

15 b. A sixty percent reduction if the resident veteran has a service-connected disability  
16 rating of at least sixty percent but not more than sixty-nine percent;

17 c. A seventy percent reduction if the resident veteran has a service-connected  
18 disability rating of at least seventy percent but not more than seventy-nine  
19 percent;

20 d. An eighty percent reduction if the resident veteran has a service-connected  
21 disability rating of at least eighty percent but not more than eighty-nine percent;  
22 or

23 e. Ninety percent reduction if the resident veteran has a service-connected disability  
24 rating of at least ninety percent but not more than ninety-nine percent.

25 **SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general  
26 fund in the state treasury, not otherwise appropriated, the sum of \$3,800,000, or so much of the  
27 sum as may be necessary, to the state board of higher education for the purpose of providing  
28 reduced tuition and fees to a dependent of a disabled resident veteran, for the biennium  
29 beginning July 1, 2021, and ending June 30, 2023.