

**SENATE BILL NO. 2346**

Introduced by

Senator Dever

Representative Fehr

1 A BILL for an Act to amend and reenact ~~section~~subsection 1 of section 15-10-18.2 and sections  
2 15-10-18.3 and 37-14-18 of the North Dakota Century Code, relating to tuition reduction for  
3 dependents of disabled veterans based on disability ratings and county veterans' service  
4 officers.

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

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

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

- 9 a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran"  
10 is defined in section 37-01-40, who was killed in action or died from wounds or  
11 other service-connected causes, has a ninety or one hundred percent  
12 service-connected disability as determined by the department of veterans' affairs,  
13 has an extra-schedular rating to include individual unemployability that brings the  
14 veteran's total disability rating to one hundred percent as determined by the  
15 department of veterans' affairs, died from service-connected disabilities, was a  
16 prisoner of war, or was declared missing in action;
- 17 b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed  
18 in action or died from wounds or other service-connected causes, has a ninety or  
19 one hundred percent service-connected disability as determined by the  
20 department of veterans' affairs, has an extra-schedular rating to include individual  
21 unemployability that brings the veteran's total disability rating to one hundred  
22 percent as determined by the department of veterans' affairs, died from  
23 service-connected disabilities, was a prisoner of war, or was declared missing in  
24 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 ninety or  
5 one hundred percent service-connected disability as determined by the  
6 department of veterans' affairs, has an extra-schedular rating to include individual  
7 unemployability that brings the veteran's total disability rating to one hundred  
8 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 ninety percent, upon  
19 being duly accepted for enrollment into any undergraduate degree or certificate  
20 program of a North Dakota state institution of higher education, must be allowed to  
21 obtain a bachelor's degree or certificate of completion, for so long as the dependent is  
22 eligible, free of any tuition and fee charges if the bachelor's degree or certificate of  
23 completion is earned within a forty-five-month or ten-semester period or its equivalent  
24 and if tuition and fee charges do not include costs for aviation flight charges or  
25 expenses. Once an individual qualifies as a dependent under sections 15-10-18.2 and  
26 15-10-18.3, the dependent may not be disqualified from the benefits of this section:

27 1. a. Due to the return of the prisoner of war;

28 2. b. Due to the return of the individual missing in action; or

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

15 **SECTION 3. AMENDMENT.** Section 37-14-18 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17 **37-14-18. County veterans' service officer - Appointment - Duties.**

18 The board of county commissioners of each county of the state of North Dakota shall  
19 appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county  
20 veterans' service officer. The department of veterans' affairs ~~commissioner~~ may work directly  
21 with county veterans' service officers. An individual may serve as a county veterans' service  
22 officer in more than one county. The appointment must be ~~made~~maintained with the ~~prior~~  
23 ~~advice~~concurrence of the commissioner of veterans' affairs, and in accordance with veterans'  
24 preference as provided in section 37-19.1-02. ~~By August 1, 2011, all~~A county veterans' service  
25 ~~officers~~officer must be accredited by the ~~national association of county veterans' service~~  
26 ~~officers~~and maintain accreditation with an organization approved by the United States  
27 department of veterans' affairs, beginning within twelve months of the accreditation requirement  
28 applying to a county veterans' service officer. It is the duty of the county veterans' service officer  
29 to become acquainted with the laws, both state and federal, enacted for the benefit of returning  
30 servicemen and servicewomen to assist such returning members of the armed forces in the  
31 presentation, proof, and establishment of such claims, privileges, and rights as they have. It

Sixty-fourth  
Legislative Assembly

1 also is the duty of the county veterans' service officer to actively cooperate with and to  
2 coordinate the activities of the state and federal agencies within the county which the officer  
3 serves to facilitate their operation and ensure promptness in the solution of the problems  
4 concerned with the reestablishment of returning servicemen and servicewomen in civilian  
5 pursuits. A county veterans' service officer may not serve as a conservator for an individual who  
6 is receiving benefits or services from the department of veterans' affairs or the United States  
7 department of veterans' affairs, except if the individual is the spouse or an immediate family  
8 member of the officer.