

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 fiftyseventy-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 fiftyseventy-five to one hundred percent service-connected disability as
19 determined by the department of veterans' affairs, has an extra-schedular rating
20 to include individual unemployability that brings the veteran's total disability rating
21 to one hundred percent as determined by the department of veterans' affairs,
22 died from service-connected disabilities, was a prisoner of war, or was declared
23 missing in action, provided the child's other parent has been a resident of this

1 state and was a resident of this state at the time of death or determination of total
2 disability of 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 fiftyseventy-five to one hundred percent service-connected disability as
6 determined by the department of veterans' affairs, has an extra-schedular rating
7 to include individual unemployability that brings the veteran's total disability rating
8 to one hundred percent as determined by the department of veterans' affairs,
9 died from service-connected disabilities, was a prisoner of war, or was declared
10 missing in action, provided the child's other parent establishes residency in this
11 state and maintains that residency for a period of five years immediately
12 preceding the child's or stepchild's enrollment at an institution under the control of
13 the state 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 fiftyseventy-five to
19 ninety percent, upon being duly accepted for enrollment into any undergraduate
20 degree or certificate program of a North Dakota state institution of higher education,
21 must be allowed to obtain a bachelor's degree or certificate of completion, for so long
22 as the dependent is eligible, free of any tuition and fee charges if the bachelor's
23 degree or certificate of completion is earned within a forty-five-month or ten-semester
24 period or its equivalent and if tuition and fee charges do not include costs for aviation
25 flight charges or expenses. Once an individual qualifies as a dependent under
26 sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the
27 benefits of 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 ~~fiftyseventy-five to one-~~
3 ~~hundredninety~~ percent, upon being duly accepted for enrollment into any
4 undergraduate degree or certificate program of a North Dakota state institution of
5 higher education, must be allowed to obtain a bachelor's degree or certificate of
6 completion, for so long as the dependent is eligible, at a rate of tuition and fees that
7 are reduced by the percentage of the disabled veteran's service-connected disability
8 rating or total disability rating, whichever is higher; provided, however, that the
9 bachelor's degree or certificate of completion is earned within a forty-five-month or
10 ten-semester period or its equivalent; and further provided that tuition and fee charges
11 eligible for this reduction do not include costs for aviation flight charges or expenses.
12 Once an individual qualifies as a dependent under sections 15-10-18.2 and
13 15-10-18.3, the dependent may not be disqualified from the benefits of this subsection
14 because of the subsequent death of the veteran through whom the benefit was
15 obtained.