Sixty-seventh Legislative Assembly of North Dakota

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.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

6 **15-10-18.2. Definitions.**

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- 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 one hundred percent service-connected 11 disability of at least fifty percent as determined by the department of veterans' 12 affairs, has an extra-schedular rating to include individual unemployability that 13 brings the veteran's total disability rating to one hundredat least fifty percent as 14 determined by the department of veterans' affairs, died from service-connected 15 disabilities, was a prisoner of war, or was declared missing in action;
- 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, has a one
 hundred percent service-connected disability as determined by the department of
 veterans' affairs, has an extra-schedular rating to include individual
 unemployability that brings the veteran's total disability rating to one hundred
 percent as determined by the department of veterans' affairs, 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

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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 one
5			hundred percent service-connected disability as determined by the department of
6			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	2.	"Re	esident veteran" means a veteran who:
15		a.	Was born in and lived in this state until entrance into the armed forces of the
16			United States;
17		b.	Was born in this state, but was temporarily living outside this state, not having
18			abandoned residence therein prior toin this state before entrance into the armed
19			forces of the United States;
20		C.	Was born elsewhere but had resided withinin this state for at least six months
21			prior to<u>before</u> entrance into military service and had <u>prior tobefore</u> or during
22			suchthe six-month period:
23			(1) Registered for voting, or voted in this state;
24			(2) Being an unemancipated minor during suchthe period of residence, had
25			lived with a parent or person standing in loco parentis who had acquired a
26			residence as set forth in this section; or
27			(3) If not registered for voting in this state, not registered for voting in another
28			state; or
29		d.	Has been a resident of this state for the ten years prior tobefore the request for
30			tuition waiver.

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1	SEC	CTION 2. AMENDMENT. Section 15-10-18.3 of the North Dakota Century Code is			
2	amended and reenacted as follows:				
3	15-10-18.3. Free tuition in North Dakota institutions of higher education.				
4	Any dependent, as defined in section 15-10-18.2, upon being duly accepted for enrollment				
5	into any undergraduate degree or certificate program of a North Dakota state institution of				
6	higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for				
7	so long as the dependent is eligible, free of any tuition and fee charges if the bachelor's degree				
8	or certificate of completion is earned within a forty-five-month or ten-semester period or its-				
9	equivalent and if tuition and fee charges do not include costs for aviation flight charges or				
10	expenses. Once an individual qualifies as a dependent under sections 15-10-18.2 and				
11	15-10-18.3 satisfies the requirements of this section, the dependent may not be disqualified from				
12	the benefits of this section:				
13	1.	Due to the return of the prisoner of war;			
14	2.	Due to the return of the individual missing in action; or			
15	3.	Because the resident veteran through whom the benefit was obtained had a			
16		service-connected disability of at least fifty percent at the time of death; or			
17	<u>4.</u>	Because the veteran through whom the benefit was obtained had a one hundred			
18		percent service-connected disability at the time of death.			