

HOUSE BILL NO. 1219

Introduced by

Representatives Brandenburg, Froseth, Thoreson, Trottier, Wieland

Senators Hogue, Lyson

1 A BILL ~~for an Act to amend and reenact subsection 1 of section 15-10-18.2 of the North Dakota~~
2 ~~Century Code, relating to the qualifications necessary for individuals to be defined as~~
3 ~~dependents of disabled veterans.~~ for an Act to amend and reenact section 15-10-18.3 of the
4 North Dakota Century Code, relating to tuition for dependents of disabled veterans.

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

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

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

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

15 **SECTION 1. AMENDMENT.** Section 15-10-18.3 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **15-10-18.3. Free tuition in North Dakota institutions of higher education.**

18 Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment
19 into any undergraduate degree or certificate program of a North Dakota state institution of
20 higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for
21 so long as the dependent is eligible, free of any tuition and fee charges; ~~provided, however, that~~
22 if the bachelor's degree or certificate of completion is earned within a forty-five-month or
23 ten-semester period or its equivalent; and ~~further provided that~~ if tuition and fee charges ~~shall do~~
24 not include costs for aviation flight charges or expenses. Once a person qualifies as a
25 dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified
26 from the benefits of this section due to ~~such an occurrence as~~ the return of the prisoner of war
27 or person missing in action, or due to the death of the disabled veteran through whom the
28 benefit was obtained, if the dependent was duly accepted for enrollment before the death.