

HOUSE BILL NO. 1125

Introduced by

Representatives Pyle, Mock, Roers Jones

Senators Bekkedahl, Dever

1 A BILL for an Act to amend and reenact section 15-10-18.2 of the North Dakota Century Code,
2 relating to the definition of a dependent to determine the eligibility of certain dependents of
3 veterans to receive free tuition in institutions of higher education in the state.

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

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

7 **15-10-18.2. Definitions.**

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 one hundred percent service-connected
12 disability as determined by the department of veterans' affairs, has an
13 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, spouse, widow, or widower of a veteran, as defined in
18 section 37-01-40, who was killed in action or died from wounds or other
19 service-connected causes, has a one hundred percent service-connected
20 disability as determined by the department of veterans' affairs, has an
21 extra-schedular rating to include individual unemployability that brings the
22 veteran's total disability rating to one hundred percent as determined by the
23 department of veterans' affairs, died from service-connected disabilities, was a
24 prisoner of war, or was declared missing in action, provided the spouse, widow,

1 or widower, or the child's or stepchild's other parent, has been a resident of this
2 state and was a resident of this state at the time of death or determination of total
3 disability of the veteran; or

- 4 c. A child ~~or~~, a stepchild, spouse, widow, or widower of a veteran, as defined in
5 section 37-01-40, who was killed in action or died from wounds or other
6 service-connected causes, has a one hundred percent service-connected
7 disability as determined by the department of veterans' affairs, has an
8 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 spouse, widow,
12 or widower, or the child's or stepchild's other parent, establishes residency in this
13 state and maintains that residency for a period of five years immediately
14 preceding the spouse's, widow's, widower's, child's, or stepchild's enrollment at
15 an institution under the control of the state 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, but was temporarily living outside this state, not having abandoned
20 residence therein prior to entrance into the armed forces of the United States;
- 21 c. Was born elsewhere but had resided within this state for at least six months prior
22 to entrance into military service and had prior to or during such six-month period:
23 (1) Registered for voting, or voted in this state;
24 (2) Being an unemancipated minor during such period of residence, had lived
25 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~~five years prior to the request for
30 tuition waiver.