

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:**

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

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

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 ~~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 hundred~~ at 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;

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 one
18 hundred percent service-connected disability as determined by the department of
19 veterans' affairs, has an extra-schedular rating to include individual
20 unemployability that brings the veteran's total disability rating to one hundred
21 percent as determined by the department of veterans' affairs, died from
22 service-connected disabilities, was a prisoner of war, or was declared missing in
23 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 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. "Resident 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 to~~ in this state before entrance into the armed
19 forces of the United States;
- 20 c. Was born elsewhere but had resided ~~within~~ in this state for at least six months
21 ~~prior to~~ before entrance into military service and had ~~prior to~~ before or during
22 ~~such~~ the six-month period:
- 23 (1) Registered for voting, or voted in this state;
- 24 (2) Being an unemancipated minor during ~~such~~ the 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 to~~ before the request for
30 tuition waiver.

1 **SECTION 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 4. Because the veteran through whom the benefit was obtained had a one hundred
18 percent service-connected disability at the time of death.