

SENATE BILL NO. 2346
with House Amendments
SENATE BILL NO. 2346

Sixty-fourth
Legislative Assembly
of North Dakota

Introduced by

Senator Dever

Representative Fehr

1 A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2 and sections
2 15-10-18.3 and 37-14-18 of the North Dakota Century Code, relating to tuition reduction for
3 dependents of disabled veterans based on disability ratings and county veterans' service
4 officers.

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 a ninety or one hundred percent
12 service-connected disability as determined by the department of veterans' affairs,
13 has an 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 of a veteran, as defined in section 37-01-40, who was killed
18 in action or died from wounds or other service-connected causes, has a ninety or
19 one hundred percent service-connected disability as determined by the
20 department of veterans' affairs, has an extra-schedular rating to include individual
21 unemployability that brings the veteran's total disability rating to one hundred
22 percent as determined by the department of veterans' affairs, died from
23 service-connected disabilities, was a prisoner of war, or was declared missing in
24 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 ninety or
5 one hundred percent service-connected disability as determined by the
6 department of 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 **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 ninety percent, upon
19 being duly accepted for enrollment into any undergraduate degree or certificate
20 program of a North Dakota state institution of higher education, must be allowed to
21 obtain a bachelor's degree or certificate of completion, for so long as the dependent is
22 eligible, free of any tuition and fee charges if the bachelor's degree or certificate of
23 completion is earned within a forty-five-month or ten-semester period or its equivalent
24 and if tuition and fee charges do not include costs for aviation flight charges or
25 expenses. Once an individual qualifies as a dependent under sections 15-10-18.2 and
26 15-10-18.3, the dependent may not be disqualified from the benefits of this section:
- 27 ~~1.~~ a. Due to the return of the prisoner of war;
28 ~~2.~~ b. Due to the return of the individual missing in action; or
29 ~~3.~~ c. Because the veteran through whom the benefit was obtained had a one hundred
30 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 ninety percent, upon
3 being duly accepted for enrollment into any undergraduate degree or certificate
4 program of a North Dakota state institution of higher education, must be allowed to
5 obtain a bachelor's degree or certificate of completion, for so long as the dependent is
6 eligible, at a rate of tuition and fees that are reduced by the percentage of the disabled
7 veteran's service-connected disability rating or total disability rating, whichever is
8 higher; provided, however, that the bachelor's degree or certificate of completion is
9 earned within a forty-five-month or ten-semester period or its equivalent; and further
10 provided that tuition and fee charges eligible for this reduction do not include costs for
11 aviation flight charges or expenses. Once an individual qualifies as a dependent under
12 sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the
13 benefits of this subsection because of the subsequent death of the veteran through
14 whom the benefit was obtained.

15 **SECTION 3. AMENDMENT.** Section 37-14-18 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **37-14-18. County veterans' service officer - Appointment - Duties.**

18 The board of county commissioners of each county of the state of North Dakota shall
19 appoint, employ, and pay, on a full-time or part-time basis, an officer to be known as a county
20 veterans' service officer. The department of veterans' affairs commissioner may work directly
21 with county veterans' service officers. An individual may serve as a county veterans' service
22 officer in more than one county. The appointment must be maintained with the prior
23 advice concurrence of the commissioner of veterans' affairs, and in accordance with veterans'
24 preference as provided in section 37-19.1-02. By August 1, 2011, all a county veterans' service
25 officers officer must be accredited by the national association of county veterans' service
26 officers and maintain accreditation with the department of veterans' affairs, beginning within
27 twelve months of the accreditation requirement applying to a county veterans' service officer. It
28 is the duty of the county veterans' service officer to become acquainted with the laws, both state
29 and federal, enacted for the benefit of returning servicemen and servicewomen to assist such
30 returning members of the armed forces in the presentation, proof, and establishment of such
31 claims, privileges, and rights as they have. It also is the duty of the county veterans' service

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1 officer to actively cooperate with and to coordinate the activities of the state and federal
2 agencies within the county which the officer serves to facilitate their operation and ensure
3 promptness in the solution of the problems concerned with the reestablishment of returning
4 servicemen and servicewomen in civilian pursuits. A county veterans' service officer may not
5 serve as a conservator for an individual who is receiving benefits or services from the
6 department of veterans' affairs or the United States department of veterans' affairs, except if the
7 individual is the spouse or an immediate family member of the officer.