

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 1058

Short Title: UNC & Comm. Coll. Tuition/Military Students. (Public)

Sponsors: Senators Rand; Albertson, Clodfelter, Dalton, Dannelly, Dorsett, Foxx, Garrou, Hargett, Hoyle, Hunt, Jenkins, Kerr, Lucas, Malone, Purcell, Queen, Soles, Thomas, and Weinstein.

Referred to: Education/Higher Education.

May 13, 2004

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A MEMBER OF THE MILITARY OR A DEPENDENT RELATIVE OF A MEMBER OF THE MILITARY WHO ATTENDS A CONSTITUENT UNIVERSITY OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 116-143.3 reads as rewritten:

"§ 116-143.3. Tuition of active duty personnel in the armed services.

(a) Definitions. – The following definitions apply in this section:

(1) The term "abode" shall mean the place where a person actually lives, whether temporarily or permanently; the term "abide" shall mean to live in a given place.

(2) The term "armed services" shall mean the United States Air Force, Army, Coast Guard, Marine Corps, and Navy; the North Carolina National Guard; and any Reserve Component of the foregoing.

(3) The term "tuition assistance" shall be used as defined in the United States Department of Defense Directive 1322.8, implementing 10 U.S.C. § 2007.

(b) Any active duty member of the armed services qualifying for admission to a ~~community college under the jurisdiction of the State Board of Community Colleges~~ an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a resident for tuition purposes under G.S. 116-143.1 shall be charged the ~~out-of-State tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the out-of-State tuition rate exceeds any amounts payable to the institution or the service member by the service member's employer by reason of enrollment pursuant to such admission while the member is abiding in this State incident to active military duty, plus the amount that represents the percentage of the out-of-State tuition rate paid to the~~

1 ~~institution or the service member by the service member's employer multiplied by the~~
2 ~~in-State tuition rate and then subtracted from the in-State tuition rate.~~in-State tuition rate
3 and applicable mandatory fees for enrollments while the member of the armed services
4 is abiding in this State incident to active military duty in this State.

5 ~~(b1) Any active duty member of the armed services qualifying for admission to a~~
6 ~~constituent institution of The University of North Carolina but not qualifying as a~~
7 ~~resident for tuition purposes under G.S. 116-143.1 shall be charged the maximum~~
8 ~~available tuition assistance as the required payment for tuition and mandatory fees not~~
9 ~~to exceed the established out of state tuition and mandatory fee rates. The Board of~~
10 ~~Governors of The University of North Carolina shall determine which mandatory fees~~
11 ~~apply to active duty members of the armed services attending The University of North~~
12 ~~Carolina.~~

13 ~~(b2) Any active duty member of the armed services who does not qualify for any~~
14 ~~payment by the member's employer pursuant to subsections (b) or (b1) of this section~~
15 ~~shall be eligible to be charged the in-State tuition rate and shall pay the full amount of~~
16 ~~the in-State tuition rate and applicable mandatory fees.~~

17 (c) Any dependent relative of a member of the armed services who is abiding in
18 this State incident to active military duty, as defined by the Board of Governors of The
19 University of North Carolina and by the State Board of Community Colleges while
20 sharing the abode of that member shall be eligible to be charged the in-State tuition rate,
21 if the dependent relative qualifies for admission to an institution of higher education as
22 defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the
23 requirements of the Selective Service System, if applicable, in order to be accorded this
24 benefit. ~~In the event the member of the armed services removes his abode from North~~
25 ~~Carolina during an academic year, the dependent relative shall continue to be eligible~~
26 ~~for the in-State tuition rate during the remainder of that academic year.~~ In the event the
27 member of the armed services is reassigned outside of North Carolina, the dependent
28 relative shall continue to be eligible for the in-State tuition and applicable mandatory
29 fees so long as the dependent relative is continuously enrolled in a degree program.

30 (d) The burden of proving entitlement to the benefit of this section shall lie with
31 the applicant therefor.

32 (e) A person charged less than the out-of-state tuition rate solely by reason of this
33 section shall not, during the period of receiving that benefit, qualify for or be the basis
34 of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (l)."

35 **SECTION 2.** This act becomes effective July 1, 2004.