

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE DRS35145-LHa-41B (01/13)

Short Title: In-State Tuition For Certain Vets/Fed Prog. (Public)

Sponsors: Senators Brown, Rabon, and Sanderson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN VETERANS AND OTHER INDIVIDUALS ENTITLED TO
3 FEDERAL EDUCATIONAL BENEFITS UNDER 38 U.S.C. CHAPTER 30 OR 38 U.S.C.
4 CHAPTER 33 WHO ENROLL IN ANY OF THE STATE'S PUBLIC INSTITUTIONS OF
5 HIGHER EDUCATION ELIGIBLE FOR IN-STATE TUITION BY WAIVING THE
6 TWELVE-MONTH STATE RESIDENCY REQUIREMENT AND TO APPROPRIATE
7 FUNDS TO IMPLEMENT THE PROVISIONS OF THIS ACT.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. Article 14 of Chapter 116 of the General Statutes is amended by
10 adding a new section to read:

11 **"§ 116-143.3A. Waiver of 12-month residency requirement for certain veterans and other**
12 **individuals entitled to federal education benefits under 38 U.S.C. Chapter 30 or**
13 **38 U.S.C. Chapter 33.**

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

15 (1) Abode. – Has the same meaning as G.S. 116-143.3(a)(1).

16 (2) Armed Forces. – Has the same meaning as G.S. 116-143.3(a)(2).

17 (3) Veteran. – A person who served active duty for not less than 90 days in the
18 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
19 or the National Oceanic and Atmospheric Administration and who was
20 discharged or released from such service under conditions other than
21 dishonorable.

22 (b) Waiver of 12-Month Residency Requirement for Veteran. – Any veteran who
23 qualifies for admission to an institution of higher education as defined in G.S. 116-143.1(a)(3)
24 is eligible to be charged the in-State tuition rate and applicable mandatory fees for enrollment
25 without satisfying the 12-month residency requirement under G.S. 116-143.1, provided the
26 veteran meets all of the following criteria:

27 (1) The veteran applies for admission to the institution of higher education and
28 enrolls within three years of the veteran's discharge or release from the
29 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
30 or the National Oceanic and Atmospheric Administration.

31 (2) The veteran qualifies for and uses educational benefits pursuant to 38 U.S.C.
32 Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance
33 Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as
34 administered by the U.S. Department of Veterans Affairs.

35 (3) The veteran's abode is North Carolina.



1 (4) The veteran provides the institution of higher education at which the veteran
2 intends to enroll a letter of intent to establish residence in North Carolina.

3 (c) Eligibility of Other Individuals Entitled to Federal Educational Benefits Under 38
4 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33. – Any person who is entitled to federal educational
5 benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 is also eligible to be charged the
6 in-State tuition rate and applicable mandatory fees for enrollment without satisfying the
7 12-month residency requirement under G.S. 116-143.1, if the person meets all of the following
8 criteria:

9 (1) The person qualifies for admission to the institution of higher education as
10 defined in G.S. 116-143.1(a)(3) and enrolls in the institution of higher
11 education within three years of the veteran's discharge or release from the
12 Armed Forces, the Commissioned Corps of the U.S. Public Health Service,
13 or the National Oceanic and Atmospheric Administration.

14 (2) The person is the recipient of federal educational benefits pursuant to 38
15 U.S.C. Chapter 30 (Montgomery G.I. Bill Active Duty Education Assistance
16 Program) or 38 U.S.C. Chapter 33 (Post-9/11 Educational Assistance), as
17 administered by the U.S. Department of Veterans Affairs.

18 (3) The person's abode is North Carolina.

19 (4) The person provides the institution of higher education at which the person
20 intends to enroll a letter of intent to establish residence in North Carolina.

21 (d) Eligibility While Continuously Enrolled at the Same Institution of Higher
22 Education. – After enrollment in an institution of higher education, any veteran entitled to
23 federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other
24 individual entitled to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C.
25 Chapter 33 who is eligible for in-State tuition under this section shall continue to be eligible for
26 the in-State tuition rate so long as the covered individual remains continuously enrolled (other
27 than during regularly scheduled breaks between courses, quarters, terms, or semesters) at that
28 institution of higher education."

29 **SECTION 2.(a)** Funds appropriated to the Board of Governors of The University
30 of North Carolina pursuant to Section 11.2(b) of S.L. 2014-100 for the 2014-2015 fiscal year
31 for the UNC Yellow Ribbon Reserve shall not revert at the end of the fiscal year but shall
32 remain available until expended and shall be used to implement the provisions of this act.

33 **SECTION 2.(b)** In addition to the funds described in subsection (a) of this section,
34 there is appropriated from the General Fund to the Board of Governors of The University of
35 North Carolina the sum of four million four hundred thirty-seven thousand four hundred
36 eighty-five dollars (\$4,437,485) for the 2016-2017 fiscal year to implement the provisions of
37 this act.

38 **SECTION 2.(c)** Subsection (a) of this section becomes effective June 30, 2015.

39 **SECTION 3.(a)** Funds appropriated to the Community Colleges System Office for
40 the 2014-2015 fiscal year for the Community College Yellow Ribbon Reserve pursuant to
41 Section 11.2(b) of S.L. 2014-100 shall not revert at the end of the fiscal year but shall remain
42 available until expended and shall be used to support the cost of charging resident tuition rates
43 to veterans consistent with the federal Veterans Access, Choice, and Accountability Act of
44 2014.

45 **SECTION 3.(b)** In addition to the funds described in subsection (a) of this section,
46 there is appropriated from the General Fund to the Community Colleges System Office the sum
47 of one million dollars (\$1,000,000) for the 2016-2017 fiscal year to implement the provisions
48 of this act.

49 **SECTION 3.(c)** Subsection (a) of this section becomes effective June 30, 2015.

50 **SECTION 4.** G.S. 116-143.8 is repealed.

1 **SECTION 5.** Except as provided otherwise, this act becomes effective July 1,
2 2015, and applies to qualifying veterans and other individuals entitled to federal educational
3 benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who are enrolled or who enroll in
4 institutions of higher education for any academic quarter, term, or semester that begins on or
5 after that date.