

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 1058  
Education/Higher Education Committee Substitute Adopted 7/7/04

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

(Public)

Sponsors:

Referred to:

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 institution or the service member by the service member's employer multiplied by the in State tuition rate and then subtracted from the in State tuition rate.~~ in-State tuition rate

1 and applicable mandatory fees for enrollments while the member of the armed services  
2 is abiding in this State incident to active military duty in this State. In the event the  
3 active duty member of the armed services is reassigned outside of North Carolina, the  
4 member shall continue to be eligible for the in-State tuition rate and applicable  
5 mandatory fees so long as the member is continuously enrolled in the degree or other  
6 program in which the member was enrolled at the time the member is reassigned.

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

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

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

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

36 (e) A person charged less than the out-of-state tuition rate solely by reason of this  
37 section shall not, during the period of receiving that benefit, qualify for or be the basis  
38 of conferring the benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or (1)."

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