

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 119
Education/Higher Education Committee Substitute Adopted 3/19/07

Short Title: In-State Tuition/Dept. of Defense Employees.

(Public)

Sponsors:

Referred to:

February 12, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE.

The General Assembly of North Carolina enacts:

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

"§ 116-143.7. Tuition of employees of the Department of Defense and their dependents.

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

(1) "Abode" means the place where a person actually lives, whether temporarily or permanently; "abide" means to live in a given place.

(2) "Employee" means a person who is employed by the United States Department of Defense.

(b) Employee to Be Charged In-State Tuition. – Any employee qualifying for admission to 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 in-State tuition rate and applicable mandatory fees for enrollment while the employee is abiding in this State incident to employment with the Department of Defense in this State. In the event the employee is reassigned by the Department of Defense outside of North Carolina or retires, the employee shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as the employee is continuously enrolled in the degree or other program in which the employee was enrolled at the time the employee is reassigned. In the event the employee retires from the Department of Defense, the retired employee shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long as he or she establishes residency in North Carolina within 30 days after the date of retirement and is continuously enrolled in the degree or other program in which the employee was enrolled at the time the employee retired.

1 (c) Dependent to Be Charged In-State Tuition. – Any dependent relative of an
2 employee who is abiding in this State incident to employment by the Department of
3 Defense while sharing the abode of the employee shall be eligible to be charged the
4 in-State tuition rate if the dependent relative qualifies for admission to an institution of
5 higher education as defined in G.S. 116-143.1(a)(3). The dependent relative shall
6 comply with the requirements of the Selective Service System, if applicable, in order to
7 be accorded this benefit. In the event the employee is reassigned by the Department of
8 Defense outside of North Carolina or retires, the dependent relative shall continue to be
9 eligible for the in-State tuition rate and applicable mandatory fees so long as the
10 dependent relative is continuously enrolled in the degree or other program in which the
11 dependent relative was enrolled at the time the employee is reassigned or retires. In the
12 event the employee retires, the dependent relative shall continue to be eligible for the
13 in-State tuition rate and applicable mandatory fees so long as the dependent relative
14 establishes residency within North Carolina within 30 days after the date of retirement
15 and is continuously enrolled in the degree or other program in which the dependent
16 relative was enrolled at the time the employee retired.

17 (d) The person applying for the benefit of this section has the burden of proving
18 entitlement to the benefit.

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

22 **SECTION 2.** G.S. 115D-39(a) reads as rewritten:

23 "(a) The State Board of Community Colleges shall fix and regulate all tuition and
24 fees charged to students for applying to or attending any institution pursuant to this
25 Chapter.

26 The receipts from all student tuition and fees, other than student activity fees, shall
27 be State funds and shall be deposited as provided by regulations of the State Board of
28 Community Colleges.

29 The legal resident limitation with respect to tuition, set forth in ~~G.S. 116-143.1 and~~
30 ~~G.S. 116-143.3~~, G.S. 116-143.1, 116-143.3, and 116-143.7 shall apply to students
31 attending institutions operating pursuant to this Chapter; provided, however, that when
32 an employer other than the armed services, as that term is defined in G.S. 116-143.3 or
33 the United States Department of Defense under G.S. 116-143.7, pays tuition for an
34 employee to attend an institution operating pursuant to this Chapter and when the
35 employee works at a North Carolina business location, the employer shall be charged
36 the in-State tuition rate; provided further, however, a community college may charge
37 in-State tuition to up to one percent (1%) of its out-of-state students, rounded up to the
38 next whole number, to accommodate the families transferred by business, the families
39 transferred by industry, or the civilian families transferred by the military or the
40 Department of Defense, consistent with the provisions of G.S. 116-143.3 or
41 G.S. 116-143.7, into the State. Notwithstanding these requirements, a refugee who
42 lawfully entered the United States and who is living in this State shall be deemed to
43 qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident
44 for community college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a

1 nonresident of the United States who has resided in North Carolina for a 12-month
2 qualifying period and has filed an immigrant petition with the United States
3 Immigration and Naturalization Service shall be considered a State resident for
4 community college tuition purposes."

5 **SECTION 3.** G.S. 116-21.3 is amended by adding a new subsection to read:

6 "(c1) Any employee, as defined in G.S. 116-143.7(a), abiding in this State incident
7 to employment with the United States Department of Defense, who does not qualify as a
8 resident for tuition purposes, as defined under G.S. 116-143.1, is eligible for a
9 legislative tuition grant under this section if the employee is enrolled as a full-time
10 undergraduate student or as a licensure student. The employee's legislative tuition grant
11 shall not exceed the cost of tuition less any tuition assistance paid by the employee's
12 employer."

13 **SECTION 4.** G.S. 116-22(2) reads as rewritten:

14 "(2) "Student" shall mean a person enrolled in and attending an institution
15 located in the State who qualifies as a resident of North Carolina in
16 accordance with definitions of residency that may from time to time be
17 adopted by the Board of Governors of the University of North Carolina
18 and published in the residency manual of said Board; and a person
19 who has not received a bachelor's degree, or qualified therefore, and
20 who is otherwise classified as an undergraduate under such regulations
21 as the Board of Governors of the University of North Carolina may
22 promulgate. The enrollment figures required by G.S. 116-19 through
23 116-22 shall be the number of full-time equivalent students as
24 computed under regulations prescribed by the Board of Governors of
25 the University of North Carolina. Qualification for in-State tuition
26 under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student"
27 as defined in this subdivision."

28 **SECTION 5.** G.S. 116-43.5(a)(3) reads as rewritten:

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

30 ...

31 (3) "Student" means a person enrolled in and attending an institution
32 located in the State (i) who qualifies as a resident of North Carolina in
33 accordance with definitions of residency that may from time to time be
34 adopted by the Board of Governors of The University of North
35 Carolina and published in the residency manual of the Board, and (ii)
36 who has not received a bachelors degree, or qualified therefor, and
37 who is otherwise classified as an undergraduate under such regulations
38 as the Board of Governors of The University of North Carolina may
39 promulgate. Qualification for in-State tuition under G.S. 116-143.3
40 and G.S. 116-143.7 makes a person a "student" as defined in this
41 subdivision."

42 **SECTION 6.** G.S. 116-143.4 reads as rewritten:

43 **"§ 116-143.4. Admissions status of persons charged in-State tuition.**

1 A person eligible for the in-State tuition rate pursuant to this Article shall be
2 considered an in-State applicant for the purpose of admission; provided that, a person
3 eligible for in-State tuition pursuant to G.S. 116-143.3(c) or G.S. 116-143.7 (c) shall be
4 considered an in-State applicant for the purpose of admission only if at the time of
5 seeking admission ~~he~~ the person is enrolled in a high school located in North Carolina
6 or enrolled in a general education development (GED) program in an institution located
7 in this State."

8 **SECTION 7.** G.S. 116-235(b)(1) reads as rewritten:

9 "(b) Students. –

10 (1) Admission of Students. – The School shall admit students in
11 accordance with criteria, standards, and procedures established by the
12 Board of Trustees. To be eligible to be considered for admission, an
13 applicant must be ~~either~~ (i) a legal resident of the State, as defined by
14 G.S. 116-143.1(a)(1), ~~or~~ (ii) a student whose parent is an active duty
15 member of the armed services, as defined by G.S. 116-143.3(a)(2),
16 who is abiding in this State incident to active military duty at the time
17 the application is submitted, provided the student shares the abode of
18 that parent or (iii) a student whose parent is an employee, as defined
19 by G.S. 116-143.7(a), who is abiding in this State incident to
20 employment by the United States Department of Defense at the time
21 the application is submitted, provided the student shares the abode of
22 the employee; eligibility to remain enrolled in the School shall
23 terminate at the end of any school year during which a student
24 becomes a nonresident of the State. The Board of Trustees shall
25 ensure, insofar as possible without jeopardizing admission standards,
26 that an equal number of qualified rising high school juniors is admitted
27 to the program and to the residential summer institutes in science and
28 mathematics from each of North Carolina's congressional districts. In
29 no event shall the differences in the number of rising high school
30 juniors offered admission to the program from each of North
31 Carolina's congressional districts be more than two and one-half
32 percentage points from the average number per district who are offered
33 admission."

34 **SECTION 8.** This act becomes effective July 1, 2007, and applies to the
35 2007-2008 academic year.