

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 478

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

Sponsors: Senators Brown, Rabon, Sanderson (Primary Sponsors); Clark, Daniel, Hise, B. Jackson, Pate, Soucek, and Tarte.

Referred to: Rules and Operations of the Senate.

March 26, 2015

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.



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

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

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

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

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

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

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

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

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

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

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

40 **SECTION 3.(a)** Funds appropriated to the Community Colleges System Office for
41 the 2014-2015 fiscal year for the Community College Yellow Ribbon Reserve pursuant to
42 Section 11.2(b) of S.L. 2014-100 shall not revert at the end of the fiscal year but shall remain
43 available until expended and shall be used to support the cost of charging resident tuition rates
44 to veterans consistent with the federal Veterans Access, Choice, and Accountability Act of
45 2014.

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

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

51 **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.