

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1499

Short Title: In-State Tuition for DOD Emps/Tuition Refund. (Public)

Sponsors: Representatives Dickson, Glazier, Lucas, Lewis (Primary Sponsors); and E. Floyd.

Referred to: Education, if favorable, Appropriations.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT EMPLOYEES OF THE DEPARTMENT OF DEFENSE AND
3 THEIR DEPENDENTS SHALL QUALIFY FOR THE IN-STATE TUITION RATE AND
4 TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET
5 STANDARDS FOR TUITION REFUND POLICIES FOR PROPRIETARY SCHOOLS.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 116-143.7. Tuition of employees of the Department of Defense and their dependents.**

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

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

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

15 (b) Employee to Be Charged In-State Tuition. – Any employee qualifying for admission
16 to an institution of higher education as defined in G.S. 116-143.1(a)(3) but not qualifying as a
17 resident for tuition purposes under G.S. 116-143.1 shall be charged the in-State tuition rate and
18 applicable mandatory fees for enrollment while the employee is abiding in this State incident to
19 employment with the Department of Defense in this State. In the event the employee is
20 reassigned by the Department of Defense outside of North Carolina or retires, the employee
21 shall continue to be eligible for the in-State tuition rate and applicable mandatory fees so long
22 as the employee is continuously enrolled in the degree or other program in which the employee
23 was enrolled at the time the employee is reassigned. In the event the employee retires from the
24 Department of Defense, the retired employee shall continue to be eligible for the in-State
25 tuition rate and applicable mandatory fees so long as the employee establishes residency in
26 North Carolina within 30 days after the date of retirement and is continuously enrolled in the
27 degree or other program in which the employee was enrolled at the time the employee retired.

28 (c) Dependent to Be Charged In-State Tuition. – Any dependent relative of an
29 employee who is abiding in this State incident to employment by the Department of Defense
30 while sharing the abode of the employee shall be eligible to be charged the in-State tuition rate
31 if the dependent relative qualifies for admission to an institution of higher education as defined
32 in G.S. 116-143.1(a)(3). The dependent relative shall comply with the requirements of the
33 Selective Service System, if applicable, in order to be accorded this benefit. In the event the
34 employee is reassigned by the Department of Defense outside of North Carolina or retires, the
35 dependent relative shall continue to be eligible for the in-State tuition rate and applicable
36 mandatory fees so long as the dependent relative is continuously enrolled in the degree or other



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1 program in which the dependent relative was enrolled at the time the employee is reassigned or
2 retires. In the event the employee retires, the dependent relative shall continue to be eligible for
3 the in-State tuition rate and applicable mandatory fees so long as the dependent relative
4 establishes residency within North Carolina within 30 days after the date of retirement and is
5 continuously enrolled in the degree or other program in which the dependent relative was
6 enrolled at the time the employee retired.

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

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

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

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

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

18 The legal resident limitation with respect to tuition, set forth in ~~G.S. 116-143.1 and~~
19 ~~G.S. 116-143.3, G.S. 116-143.1, 116-143.3, and 116-143.7~~ shall apply to students attending
20 institutions operating pursuant to this Chapter; provided, however, that when an employer other
21 than the armed services, as that term is defined in G.S. 116-143.3 or the United States
22 Department of Defense under G.S. 116-143.7, pays tuition for an employee to attend an
23 institution operating pursuant to this Chapter and when the employee works at a North Carolina
24 business location, the employer shall be charged the in-State tuition rate; provided further,
25 however, a community college may charge in-State tuition to up to one percent (1%) of its
26 out-of-state students, rounded up to the next whole number, to accommodate the families
27 transferred by business, the families transferred by industry, or the civilian families transferred
28 by the military or the Department of Defense, consistent with the provisions of G.S. 116-143.3
29 or G.S. 116-143.7, into the State. Notwithstanding these requirements, a refugee who lawfully
30 entered the United States and who is living in this State shall be deemed to qualify as a
31 domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community
32 college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a nonresident of the United
33 States who has resided in North Carolina for a 12-month qualifying period and has filed an
34 immigrant petition with the United States Immigration and Naturalization Service shall be
35 considered a State resident for community college tuition purposes."

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

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

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

44 "(2) "Student" shall mean a person enrolled in and attending an institution located
45 in the State who qualifies as a resident of North Carolina in accordance with
46 definitions of residency that may from time to time be adopted by the Board
47 of Governors of the University of North Carolina and published in the
48 residency manual of said Board; and a person who has not received a
49 bachelor's degree, or qualified therefore, and who is otherwise classified as
50 an undergraduate under such regulations as the Board of Governors of the
51 University of North Carolina may promulgate. The enrollment figures

1 required by G.S. 116-19 through 116-22 shall be the number of full-time
2 equivalent students as computed under regulations prescribed by the Board
3 of Governors of the University of North Carolina. Qualification for in-State
4 tuition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student"
5 as defined in this subdivision."

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

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

8 ...

9 (3) "Student" means a person enrolled in and attending an institution located in
10 the State (i) who qualifies as a resident of North Carolina in accordance with
11 definitions of residency that may from time to time be adopted by the Board
12 of Governors of The University of North Carolina and published in the
13 residency manual of the Board, and (ii) who has not received a bachelors
14 degree, or qualified therefor, and who is otherwise classified as an
15 undergraduate under such regulations as the Board of Governors of The
16 University of North Carolina may promulgate. Qualification for in-State
17 tuition under G.S. 116-143.3 and G.S. 116-143.7 makes a person a "student"
18 as defined in this subdivision."

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

20 **"§ 116-143.4. Admissions status of persons charged in-State tuition.**

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

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

28 "(b) Students. –

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

51 **SECTION 8.** G.S. 115D-89(a) reads as rewritten:

1 "(a) The State Board of Community Colleges, acting by and through the President of the
2 Community College System, shall have authority to administer and enforce this Article and to
3 grant and issue licenses to proprietary business schools, proprietary trade schools, proprietary
4 technical schools, and correspondence schools, whose sustained curriculum is of a grade equal
5 to that prescribed for similar public schools and educational institutions of the State and which
6 have met the standards set forth by the Board, including but not limited to course offerings,
7 adequate facilities, ~~financial stability,~~ stability, tuition refund policies, competent personnel and
8 legitimate operating practices."

9 **SECTION 9.** This act is effective when it becomes law. Sections 1 through 7 apply
10 beginning with the 2009-2010 academic year.