

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH10849-LH-177 (3/17)

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

(Public)

Sponsors: Representative Dickson.

Referred to:

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 AND TO AUTHORIZE THE STATE BOARD OF COMMUNITY COLLEGES TO SET STANDARDS FOR TUITION REFUND POLICIES FOR PROPRIETARY SCHOOLS.

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 the employee 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.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 ...

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

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

21 **"§ 116-143.4. Admissions status of persons charged in-State tuition.**

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

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

29 "(b) Students. –

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

- 1           **SECTION 8.** G.S. 115D-89(a) reads as rewritten:  
2           "(a) The State Board of Community Colleges, acting by and through the President of the  
3 Community College System, shall have authority to administer and enforce this Article and to  
4 grant and issue licenses to proprietary business schools, proprietary trade schools, proprietary  
5 technical schools, and correspondence schools, whose sustained curriculum is of a grade equal  
6 to that prescribed for similar public schools and educational institutions of the State and which  
7 have met the standards set forth by the Board, including but not limited to course offerings,  
8 adequate facilities, financial ~~stability~~, stability, tuition refund policies, competent personnel and  
9 legitimate operating practices."  
10           **SECTION 9.** This act is effective when it becomes law. Sections 1 through 7 apply  
11 beginning with the 2009-2010 academic year.