

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 51
Committee Substitute Favorable 4/16/03

Short Title: UNC Tuition/Military Students.

(Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT AN ACTIVE DUTY MEMBER OF THE ARMED SERVICES WHO ATTENDS A CONSTITUENT INSTITUTION OR A COMMUNITY COLLEGE SHALL BE CHARGED ONLY THE MAXIMUM AVAILABLE TUITION ASSISTANCE AS DEFINED BY THE UNITED STATES DEPARTMENT OF DEFENSE.

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. – For purposes of this ~~section~~ section:

(1) 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.

(2) 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.

(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 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 maximum available tuition assistance as the required payment for tuition and mandatory fees not to exceed the established out-of-state tuition and mandatory fee rates. The Board of Governors of The University of North Carolina shall determine which mandatory fees apply to active duty members of the armed services attending The University of North Carolina, and the State Board of Community Colleges shall determine which mandatory fees apply to active duty members of the armed services attending a community college. ~~the out of State tuition rate; provided, that the out of State tuition shall be~~

1 ~~forgiven to the extent that the out of State tuition rate exceeds any amounts payable to~~
2 ~~the institution or the service member by the service member's employer by reason of~~
3 ~~enrollment pursuant to such admission while the member is abiding in this State~~
4 ~~incident to active military duty, plus the amount that represents the percentage of the~~
5 ~~out of State tuition rate paid to the institution or the service member by the service~~
6 ~~member's employer multiplied by the in State tuition rate and then subtracted from the~~
7 ~~in State tuition rate.~~

8 (b1) Any active duty member of the armed services who does not qualify for any
9 payment by the member's employer pursuant to paragraph (b) of this section shall be
10 eligible to be charged the in-State tuition rate and shall pay the full amount of the
11 in-State tuition rate and applicable mandatory fees.

12 (c) Any dependent relative of a member of the armed services who is abiding in
13 this State incident to active military duty, as defined by the Board of Governors of The
14 University of North Carolina and by the State Board of Community Colleges while
15 sharing the abode of that member shall be eligible to be charged the in-State tuition rate,
16 if the dependent relative qualifies for admission to an institution of higher education as
17 defined in G.S. 116-143.1(a)(3). The dependent relatives shall comply with the
18 requirements of the Selective Service System, if applicable, in order to be accorded this
19 benefit. In the event the member of the armed services removes his abode from North
20 Carolina during an academic year, the dependent relative shall continue to be eligible
21 for the in-State tuition rate during the remainder of that academic year.

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

24 (e) A person charged less than the ~~out of State~~ out-of-state tuition rate solely by
25 reason of this section shall not, during the period of receiving that benefit, qualify for or
26 be the basis of conferring the ~~benefits~~ benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or
27 (1)."

28 **SECTION 2.** This act becomes effective July 1, 2003.