

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE BILL 478
Education/Higher Education Committee Substitute Adopted 4/28/15
PROPOSED HOUSE COMMITTEE SUBSTITUTE S478-PCS35291-TB-20

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

Sponsors:

Referred to:

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 REPEAL THE
7 REQUIREMENTS REGARDING THE YELLOW RIBBON PROGRAM.

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.

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



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

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

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

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

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

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

21 (d) After the expiration of the three-year period following discharge or death as
22 described in 38 U.S.C. § 3679(c), any enrolled veteran entitled to federal educational benefits
23 under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 and any other enrolled individual entitled
24 to federal educational benefits under 38 U.S.C. Chapter 30 or 38 U.S.C. Chapter 33 who is
25 eligible for in-State tuition under this section shall continue to be eligible for the in-State tuition
26 rate so long as the covered individual remains continuously enrolled (other than during
27 regularly scheduled breaks between courses, quarters, terms, or semesters) at that institution of
28 higher education."

29 **SECTION 2.** G.S. 116-143.8 is repealed.

30 **SECTION 3.** This act becomes effective July 1, 2015, and applies to qualifying
31 veterans and other individuals entitled to federal educational benefits under 38 U.S.C. Chapter
32 30 or 38 U.S.C. Chapter 33 who are enrolled or who enroll in institutions of higher education
33 for any academic quarter, term, or semester that begins on or after that date.