

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2003

DRAFT
SPECIAL PROVISION



2003-DOCC-C4A-P

North Carolina Community College System Office
Appropriations Subcommittee on Education

Requested by: Representatives ; Senator

1 *TUITION MODIFICATIONS*

2 SECTION 8.16.(a) G.S. 116-143.3 reads as rewritten:

3 "§ 116-143.3. Tuition of **active duty** personnel in the armed services.

4 (a) Definitions. ~~For purposes of this section the~~ The following definitions apply
5 in this section:

6 (1) The term "armed services" shall mean the United States Air Force,
7 Army, Coast Guard, Marine Corps, and Navy; the North Carolina
8 National Guard; and any Reserve Component of the foregoing.

9 (2) The term "abode" shall mean the place where a person actually lives,
10 whether temporarily or permanently; the term "abide" shall mean to
11 live in a given place.

12 (3) The term "tuition assistance" shall be used as defined in the United
13 States Department of Defense Directive 1322.8, implementing 10
14 U.S.C. § 2007.

15 (b) Any **active duty** member of the armed services qualifying for admission to ~~an~~
16 ~~institution of higher education~~ a community college under the jurisdiction of the State
17 Board of Community Colleges as defined in G.S. 116-143.1(a)(3) but not qualifying as
18 a resident for tuition purposes under G.S. 116-143.1 shall be charged the out-of-State
19 tuition rate; provided, that the out-of-State tuition shall be forgiven to the extent that the
20 out-of-State tuition rate exceeds any amounts payable to the institution or the service
21 member by the service member's employer by reason of enrollment pursuant to such
22 admission while the member is abiding in this State incident to active military duty, plus
23 the amount that represents the percentage of the out-of-State tuition rate paid to the
24 institution or the service member by the service member's employer multiplied by the
25 in-State tuition rate and then subtracted from the in-State tuition rate.

26 (b1) Any active duty member of the armed services qualifying for admission to a
27 constituent institution of The University of North Carolina but not qualifying as a
28 resident for tuition purposes under G.S. 116-143.1 shall be charged the maximum
29 available tuition assistance as the required payment for tuition and mandatory fees not
30 to exceed the established out-of-state tuition and mandatory fee rates. The Board of
31 Governors of The University of North Carolina shall determine which mandatory fees
32 apply to active duty members of the armed services attending The University of North
33 Carolina.

34 (b2) Any **active duty** member of the armed services who does not qualify for any
35 payment by the member's employer pursuant to subsections (b) or (b1) of this section

1 shall be eligible to be charged the in-State tuition rate and shall pay the full amount of
2 the in-State tuition ~~rate~~rate and applicable mandatory fees.

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

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

15 (e) A person charged less than the ~~out-of-State~~ out-of-state tuition rate solely by
16 reason of this section shall not, during the period of receiving that benefit, qualify for or
17 be the basis of conferring the ~~benefits~~ benefit of G.S. 116-143.1(g), (h), (i), (j), (k), or
18 (1)."

19 **SECTION 8.16.(b)** G.S. 115D-39 reads as rewritten:

20 "**§ 115D-39. Student tuition and fees.**

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

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

27 The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and
28 G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this
29 Chapter; provided, however, that when an employer other than the armed services, as
30 that term is defined in G.S. 116-143.3, pays tuition for an employee to attend an
31 institution operating pursuant to this Chapter and when the employee works at a North
32 Carolina business location, the employer shall be charged the in-State tuition rate;
33 provided further, however, a community college may charge in-State tuition to up to
34 one percent (1%) of its out-of-state students, rounded up to the next whole number, to
35 accommodate the families transferred by business, the families transferred by industry,
36 or the civilian families transferred by the military, consistent with the provisions of G.S.
37 116-143.3, into the State. Notwithstanding these requirements, a refugee who lawfully
38 entered the United States and who is living in this State shall be deemed to qualify as a
39 domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for
40 community college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a
41 nonresident of the United States who has resided in North Carolina for a 12-month
42 qualifying period and has filed an immigrant petition with the United States
43 Immigration and Naturalization Service shall be considered a State resident for
44 community college tuition purposes.

45 (b) In addition, any person lawfully admitted to the United States who satisfied
46 the qualifications for assignment to a public school set out under G.S. 115C-366 and

1 graduated from the public school to which the student was assigned shall also be
2 eligible for the State resident community college tuition rate. This subsection does not
3 make a person a resident of North Carolina for any other purpose."
4

Requested by: Representative Grady

5 ***TUITION MODIFICATIONS/NONPROFIT SPONSORSHIP OF COMMUNITY***
6 ***COLLEGE STUDENT***

7 **SECTION 8.16A.(a)** G.S. 115D-39 is amended by adding a new subsection
8 to read:

9 "(c) In addition, a person sponsored under this subsection who is lawfully
10 admitted to the United States is eligible for the State resident community college tuition
11 rate. For purposes of this subsection, a North Carolina nonprofit entity is a charitable or
12 religious corporation as defined in G.S. 55A-1-40 that is incorporated in North Carolina
13 and that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code,
14 or a civic league incorporated in North Carolina under Chapter 55A of the General
15 Statutes that is exempt from taxation under section 501(c)(4) of the Internal Revenue
16 Code. A nonresident of the United States is sponsored by a North Carolina nonprofit
17 entity if the student resides in North Carolina while attending the community college
18 and the North Carolina nonprofit entity provides a signed affidavit to the community
19 college verifying that the entity accepts financial responsibility for the student's tuition
20 and any other required educational fees. Any North Carolina nonprofit entity that
21 sponsors a nonresident of the United States under this subsection may sponsor no more
22 than five nonresident students annually under this subsection. This subsection does not
23 make a person a resident of North Carolina for any other purpose."

24 **SECTION 8.16A.(b)** The State Board of Community Colleges shall report
25 to the Senate Committee on Appropriations and the House of Representatives
26 Committee on Appropriations in April of 2004 on the implementation of this section
27 during the 2003-2004 academic year.