

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1142

Committee Substitute Favorable 4/29/97

Senate Education/Higher Education Committee Substitute Adopted 7/10/97

Short Title: Tuition Waivers/Emergency Workers.

(Public)

Sponsors:

Referred to: Appropriations.

April 21, 1997

A BILL TO BE ENTITLED
AN ACT TO WAIVE TUITION FOR CHILDREN OR SPOUSES OF CERTAIN
EMERGENCY WORKERS KILLED OR DISABLED IN THE LINE OF DUTY.

The General Assembly of North Carolina enacts:

Section 1. The title of Chapter 115B reads as rewritten:

"TUITION WAIVER FOR SENIOR CITIZENS. WAIVERS."

Section 2. G.S. 115B-1 reads as rewritten:

"§ 115B-1. Definition. Definitions."

As used in this Chapter, "tuition" shall mean the The following definitions apply in this Chapter:

- (1) Employer. – The State of North Carolina and its departments, agencies, and institutions; or a county, city, town, or other political subdivision of the State.
- (2) Firefighter or volunteer firefighter. – The same as provided in G.S. 58-86-25 for 'eligible firemen'.
- (3) Law enforcement officer. – A full-time paid employee or a reserve officer of an employer who is actively serving in a position with assigned primary duties and responsibilities for prevention and detection

1 of crime or the general enforcement of the criminal laws of the State or
2 servicing civil processes, and who possesses the power of arrest by virtue
3 of an oath administered under the authority of the State.

4 (4) Permanently and totally disabled in the line of duty. – A person: (i)
5 who as a law enforcement officer, firefighter, or volunteer firefighter
6 suffered a disabling injury while in active service or training for active
7 service, (ii) who at the time of active service or training was a North
8 Carolina resident, and (iii) who has been determined to be permanently
9 and totally disabled for compensation purposes by the North Carolina
10 Industrial Commission.

11 (5) Survivor. – Any person whose parent or spouse: (i) was a law
12 enforcement officer, a firefighter, or a volunteer firefighter, (ii) was
13 killed while in active service or training for active service or died as a
14 result of a service-connected disability, and (iii) at the time of active
15 service or training was a North Carolina resident. The term does not
16 include the widow or widower of a law enforcement officer, firefighter,
17 or volunteer firefighter if the widow or widower has remarried.

18 (6) Tuition. – The amount charged for registering for a credit hour of
19 instruction and shall not be construed to mean any other fees or charges
20 or costs of textbooks."

21 Section 3. G.S. 115B-2 reads as rewritten:

22 **"§ 115B-2. Tuition waiver authorized.**

23 State-supported institutions of higher education, community colleges, industrial
24 education centers and technical institutes, shall permit ~~legal residents of North Carolina who~~
25 ~~have attained the age of 65~~ the following persons to attend classes for credit or noncredit
26 purposes without the required payment of tuition; provided, however, that such persons
27 meet admission and other standards deemed appropriate by the educational institution,
28 and provided further that such persons shall be accepted by the constituent institutions of
29 the University of North Carolina only on a spaces-available ~~basis-basis:~~

30 (1) Legal residents of North Carolina who have attained the age of 65.

31 (2) Any person who is the survivor of a police officer, firefighter, or
32 volunteer firefighter killed in the line of duty.

33 (3) The spouse of a police officer, firefighter, or volunteer firefighter who is
34 permanently and totally disabled in the line of duty.

35 (4) Any child, if the child is at least 17 years old but not yet 23 years old,
36 whose parent is a police officer, firefighter, or volunteer firefighter who
37 is permanently and totally disabled in the line of duty. However, a
38 child's eligibility for a waiver of tuition under this Chapter shall not
39 exceed: (i) 48 months, if the child is seeking a baccalaureate degree, or
40 (ii) if the child is not seeking a baccalaureate degree, the number of
41 months required to complete the educational program to which the child
42 is applying."

43 Section 4. G.S. 115B-5 reads as rewritten:

1 **"§ 115B-5. Proof of eligibility.**

2 (a) The officials of such institutions charged with administration of this Chapter
3 may require such proof as they deem necessary to insure that ~~the~~ a person applying to the
4 institution as a senior citizen is eligible for the benefits provided by this Chapter.

5 (b) The officials of the institutions charged with administration of this Chapter
6 shall require the following proof to insure that a person applying to the institution and
7 who requests a tuition waiver under G.S. 115B-2(2),(3), or (4) is eligible for the benefits
8 provided by this Chapter.

9 (1) The parent-child relationship shall be verified by a birth certificate, legal
10 adoption papers, or other documentary evidence deemed appropriate by
11 the institution.

12 (2) The marital relationship shall be verified by a marriage certificate or
13 other documentary evidence deemed appropriate by the institution.

14 (3) The cause of death of the law enforcement officer, firefighter, or
15 volunteer firefighter shall be verified by certification from the records of
16 the Department of State Treasurer, the appropriate city or county law
17 enforcement agency that employed the deceased, the administrative
18 agency for the fire department or fire protection district recognized for
19 funding under the Department of State Auditor, or the administrative
20 agency having jurisdiction over any paid firefighters of all counties and
21 cities.

22 (4) The permanent and total disability shall be verified by documentation
23 deemed necessary by the institution from the North Carolina Industrial
24 Commission."

25 Section 5. Chapter 115B is amended by adding a new section to read:

26 **"§ 115B-5A. Student to be credited for scholarship value.**

27 If a person obtains a tuition waiver under G.S. 115B-2(2),(3), or (4) and the person
28 also receives a cash scholarship paid or payable to the institution, from whatever source,
29 the amount of the scholarship shall be applied to the credit of the person in the payment
30 of incidental expenses of the person's attendance at the institution, and any balance, if the
31 terms of the scholarship permit, shall be returned to the student."

32 Section 6. This act becomes effective July 1, 1997, and applies to deaths or
33 disabilities occurring on or after that date.