

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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SENATE BILL 478  
Education/Higher Education Committee Substitute Adopted 4/28/15  
House Committee Substitute Favorable 6/16/15

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.



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.