

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**HOUSE BILL 1816\***  
**Committee Substitute Favorable 6/27/94**

Short Title: Civ./Mil. Base In-State Tuition.

(Public)

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Sponsors:

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Referred to:

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May 30, 1994

A BILL TO BE ENTITLED

1 AN ACT TO GRANT THE DEPENDENT RELATIVES OF CERTAIN CIVILIAN  
2 EMPLOYEES OF THE MILITARY INVOLUNTARILY TRANSFERRED TO  
3 THIS STATE IN-STATE TUITION AT CONSTITUENT INSTITUTIONS OF  
4 THE UNIVERSITY OF NORTH CAROLINA AND AT CAMPUSES OF THE  
5 NORTH CAROLINA COMMUNITY COLLEGE SYSTEM, TO WAIVE THE  
6 TWELVE-MONTH DURATIONAL REQUIREMENT FOR RESIDENT TUITION  
7 STATUS FOR THE CHILDREN OF EMPLOYEES DOMICILED IN THE STATE  
8 WHO ARE ENTITLED TO BENEFITS UNDER THE TEACHERS' AND STATE  
9 EMPLOYEES' RETIREMENT SYSTEM, AND TO WAIVE THE TWELVE-  
10 MONTH DURATIONAL REQUIREMENT FOR RESIDENT TUITION STATUS  
11 FOR TEACHERS ENROLLED IN COURSES TO COMPLETE CERTIFICATION  
12 REQUIREMENTS OF THE STATE BOARD OF EDUCATION.  
13

14       Whereas, the approximately 1,200 civilian employees of the armed services  
15 who were employed at the Naval Aviation Depot at Pensacola but who will be  
16 transferred when that base closes to the Naval Aviation Base at Cherry Point or lose  
17 their jobs; and

18       Whereas, many of these employees will come to this State rather than lose  
19 their jobs with children ready to attend institutions of higher education, for whom the  
20 year to establish residency for tuition purposes would impose a real hardship, in  
21 addition to all the other hardships inherent in a transfer that is really an involuntary one;  
22 and

1           Whereas, the State has not been asked to make any concessions or provide  
2 any incentives for the Cherry Point expansion, and it is only equitable that the civilian  
3 employees who will be coming to this State, and any others who may come in like  
4 circumstances and who will make this expansion possible, be treated fairly by the State  
5 by its providing an accommodation for the employees and their children in the State's  
6 institutions of higher education; Now, therefore,  
7 The General Assembly of North Carolina enacts:

8           Section 1. The catch line of G.S. 116-143.3 reads as rewritten:

9       "**§ 116-143.3. Tuition of personnel in the armed ~~services.~~ services; tuition of**  
10       **dependent relatives of certain civilian personnel serving the armed**  
11       **services.**"

12           Sec. 2. G.S. 116-143.3 is amended by adding a new subsection to read:

13       "(c1) Any dependent relative of any civilian employee employed by the  
14 Department of Defense who transfers to a military base in this State rather than lose  
15 employment due to the closing of military bases around the country shall be eligible to  
16 be charged the in-State tuition rate, if the dependent relative qualifies for admission to  
17 an institution of higher education as defined in G.S. 116-143.1(a)(3). The dependent  
18 relative shall comply with the requirements of the Selective Service System, if  
19 applicable, in order to be accorded this benefit. In the event the employee removes the  
20 abode from North Carolina during an academic year, the dependent relative shall  
21 continue to be eligible for the in-State tuition rate during the remainder of that academic  
22 year."

23           Sec. 3. G.S. 116-143.1 is amended by adding a new subsection to read:

24       "(m) Notwithstanding any other provision of this section, determination of status  
25 as a resident for tuition purposes under this section shall be made without applying the  
26 12-month durational requirement to any dependent individual whose parent or legal  
27 guardian:

- 28           (1) While domiciled inside or outside the State, was selected for  
29 employment rendering the parent or legal guardian eligible for  
30 enrollment in the Teachers' and State Employees' Retirement System;  
31 and  
32           (2) Is domiciled in this State and remains employed in service rendering  
33 the parent or legal guardian eligible for enrollment in the Teachers' and  
34 State Employees' Retirement System.

35       For purposes of this subsection, the term 'dependent' has the same meaning as in 26  
36 U.S.C. 152. For purposes of this subsection, 'legal guardian' means a guardian of the  
37 person or a general guardian as those terms are defined in G.S. 35A-1202.

38       The exemption from the durational requirement granted under this subsection ceases  
39 at the end of any term in which the conditions described in subdivisions (1) and (2) of  
40 this subsection are no longer met. Subsection (i) of this section is inapplicable to  
41 individuals granted resident tuition status under this subsection.

42       "(n) Notwithstanding any other provision of this section, determination of status  
43 as a resident for tuition purposes under this section shall be made without applying the  
44 12-month durational requirement to any noncertificated teacher employed by a local

1 school administrative unit and enrolled in courses to complete certification requirements  
2 of the State Board of Education. For purposes of this subsection 'noncertificated' shall  
3 mean provisionally certified to teach for the first time in a local school administrative  
4 unit and not possessing any other level of certificate."

5 Sec. 4. (a) There is appropriated from the General Fund to the Board of  
6 Governors of The University of North Carolina the sum of three hundred thousand  
7 dollars (\$300,000) for the 1994-95 fiscal year to implement this act.

8 (b) There is appropriated from the General Fund to the Department of  
9 Community Colleges the sum of seventy-three thousand dollars (\$73,000) for the 1994-  
10 95 fiscal year to implement this act.

11 Sec. 5. This act becomes effective July 1, 1994, and applies to applications  
12 for enrollment made on or after this date.