~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 25, 2017

**H. 3035**

Introduced by Reps. Daning, Long, Simrill, Bales, Bradley, G.M. Smith, Weeks, W. Newton, Herbkersman, Jefferson, Mitchell, McKnight, Murphy, Johnson, Yow, Fry, McCoy, Stavrinakis, Loftis, Chumley, Arrington, Bennett, Alexander, Anderson, Gagnon, Kirby, Clyburn, S. Rivers, Davis, Crosby, Cogswell, Sottile, Spires, Atwater, Brown, Gilliard, Mack, Whipper, Martin, B. Newton, Felder, Pope, Taylor, Hixon, Elliott, V.S. Moss, G.R. Smith, Hamilton, Dillard, Robinson‑Simpson, Forrester, Allison, Hosey, Hayes, Atkinson, Douglas, Ridgeway, Norrell, Norman, Funderburk, Neal, J.E. Smith, Erickson, Bernstein, Crawford, Henegan, West and Knight

S. Printed 1/25/17--H.

Read the first time January 10, 2017.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3035) to amend Section 59‑112‑50, as amended, Code of Laws of South Carolina, 1976, relating to in‑state tuition rates at public institutions of higher, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 59‑112‑50 of the 1976 Code, as last amended by Act 11 of 2015, is further amended to read:

“Section 59‑112‑50. (A) Notwithstanding another provision of law, during the period of their assignment to duty in South Carolina, members of the Armed Services of the United States stationed in South Carolina and their dependents are eligible for in‑state tuition rates. When these armed service personnel are ordered away from the State, their dependents are eligible for in‑state tuition rates as long as they remain continuously enrolled at the state institution in which they are enrolled at the time the assignment ends or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student’s previous institution in order to certify the student’s eligibility for in‑state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. ~~These persons and their dependents are eligible for in‑state tuition rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge. Active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency.~~

(B)(1) Active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency.

(2) For purposes of this section, ‘active duty military personnel’ includes, but is not limited to, active duty guardsmen and active duty reservists.

(C)(1) Notwithstanding any other provision of law, a covered individual enrolled in a public institution of higher education and receiving educational assistance under Chapter 30 and Chapter 33, Title 38 of the United States Code are entitled to pay in‑state tuition and fees without regard to the length of time the covered individual has resided in this State.

(2) For purposes of this subsection, a covered individual is defined as:

(a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, and the National Guard and who enrolls within three years of discharge; or

(b) a person who is entitled to and receiving assistance under Section 3311(b)(9) or 3319, Title 38 of the United States Code by virtue of the person’s relationship to the veteran described in subitem (a).

(3) A covered individual must live in this State while enrolled at the in‑state institution.

~~(4)~~ ~~At the conclusion of the applicable three year period in subsection (C)(2)(a), a covered individual shall remain eligible for in‑state rates as long as he remains continuously enrolled in an in‑state institution or transfers to another in‑state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in‑state institution. In the event of a transfer, the in‑state institution receiving the covered individual shall verify the covered individual’s eligibility for in‑state rates with the covered individual’s prior in‑state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in‑state institution.~~

(D) Notwithstanding another provision of law, a veteran of the Armed Services of the United States who has evidenced intent to establish domicile in South Carolina and his dependents are entitled to receive in‑state tuition and fees at public institutions of higher education in this State without the requirement of one year of physical presence in this State. For purposes of this subsection, a ‘veteran’ means an individual who has served on active duty in the United States Armed Forces and who has been honorably discharged from such service.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Amended by House Education and Public Works Higher Education Subcommittee on January 18, 2017**

**State Revenue**

Existing state law allows qualifying members of the Armed Services of the United States, who have been discharged from service and their dependents, to pay in-state tuition at South Carolina public colleges, if they have evidenced an intent to establish domicile here, and resided in the state for at least 12 months before discharge. The amended bill removes the 12 month residency requirement and allows the veteran of the Armed Services and his or her dependents to qualify for in-state tuition, if the veteran evidences an intent to establish domicile in South Carolina. The amended bill does not require a year of physical presence.

The revenue impact of this bill is pending, contingent upon a response from the public institutions of higher education

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59‑112‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO IN‑STATE TUITION RATES AT PUBLIC INSTITUTIONS OF HIGHER EDUCATION FOR CERTAIN PERSONS ASSOCIATED WITH THE ARMED SERVICES OF THE UNITED STATES, SO AS TO REVISE RESIDENCY REQUIREMENTS AND PROVIDE VETERANS WHO EVIDENCE THEIR INTENT TO ESTABLISH DOMICILE IN THIS STATE AND THEIR DEPENDENTS MAY RECEIVE IN‑STATE TUITION RATES WITHOUT HAVING ESTABLISHED A PHYSICAL PRESENCE IN THIS STATE, AND TO DEFINE RELATED TERMINOLOGY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑112‑50 of the 1976 Code, as last amended by Act 11 of 2015, is further amended to read:

“Section 59‑112‑50. (A) Notwithstanding another provision of law, during the period of their assignment to duty in South Carolina, members of the Armed Services of the United States stationed in South Carolina and their dependents are eligible for in‑state tuition rates. When these armed service personnel are ordered away from the State, their dependents are eligible for in‑state tuition rates as long as they remain continuously enrolled at the state institution in which they are enrolled at the time the assignment ends or transfer to an eligible institution during the term or semester, excluding summer terms, immediately following their enrollment at the previous institution. In the event of a transfer, the receiving institution shall verify the decision made by the student’s previous institution in order to certify the student’s eligibility for in‑state tuition rates. It is the responsibility of the transferring student to ensure that all documents required to verify both the previous and present residency decisions are provided to the institution. ~~These persons and their dependents are eligible for in‑state tuition rates after their discharge from the armed services even though they were not enrolled at a state institution at the time of their discharge, if they have evidenced an intent to establish domicile in South Carolina and if they have resided in South Carolina for a period of at least twelve months immediately preceding their discharge. Active duty military personnel may be charged less than the undergraduate tuition rate for South Carolina residents for courses that are presented on a distance basis, regardless of residency.~~

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(2) For purposes of this section, ‘active duty military personnel’ includes, but is not limited to, active duty guardsmen and active duty reservists.

(C)~~(1)~~ ~~Notwithstanding any other provision of law, a covered individual enrolled in a public institution of higher education and receiving educational assistance under Chapter 30 and Chapter 33, Title 38 of the United States Code are entitled to pay in‑state tuition and fees without regard to the length of time the covered individual has resided in this State.~~

~~(2)~~ ~~For purposes of this subsection, a covered individual is defined as:~~

~~(a)~~ ~~a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, and the National Guard and who enrolls within three years of discharge; or~~

~~(b)~~ ~~a person who is entitled to and receiving assistance under Section 3311(b)(9) or 3319, Title 38 of the United States Code by virtue of the person’s relationship to the veteran described in subitem (a).~~

~~(3)~~ ~~A covered individual must live in this State while enrolled at the in‑state institution.~~

~~(4)~~ ~~At the conclusion of the applicable three year period in subsection (C)(2)(a), a covered individual shall remain eligible for in‑state rates as long as he remains continuously enrolled in an in‑state institution or transfers to another in‑state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in‑state institution. In the event of a transfer, the in‑state institution receiving the covered individual shall verify the covered individual’s eligibility for in‑state rates with the covered individual’s prior in‑state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in‑state institution~~ Notwithstanding another provision of law, a veteran of the Armed Services of the United States who has evidenced intent to establish domicile in South Carolina and his dependents are entitled to receive in‑state tuition and fees at public institutions of higher education in this State without the requirement of one year of physical presence in this State. For purposes of this subsection, a ‘veteran’ means an individual who has served on active duty in the United States Armed Forces and who has been honorably discharged from such service.”

SECTION 2. This act takes effect upon approval by the Governor.

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