~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2021

**S. 241**

Introduced by Senator Young

S. Printed 4/22/21--H.

Read the first time March 18, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 241) to amend Section 59‑112‑50(c) of the 1976 Code, relating to the definition of “covered individual” for the purposes of tuition rates for military, etc., respectfully

**REPORT:**

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

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Revenue**

Currently, a veteran who serves 90 days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, or the National Guard and is receiving educational assistance under the Post-9/11 GI Bill, the Montgomery GI Bill, or the Vocational Rehabilitation and Employment Program (VR&E), is eligible for the in-state tuition rate at a public IHL if they enroll within three years of discharge and they live in South Carolina while enrolled at the institution. In addition, dependents of a qualifying veteran may also be eligible for in-state tuition rates. In order for a covered individual to remain eligible for in-state tuition rates, they must be continuously enrolled in a public IHL.

This bill will remove the three-year window in which a veteran or their dependent must enroll at an IHL in order to be eligible for in-state tuition rates. However, federal law puts some limits on the time veterans may qualify for federal assistance, which would, in turn, affect their eligibility for this benefit at the state level. Generally, veterans are eligible to receive education benefits under the Montgomery GI bill for up to ten years after discharge. Veterans receiving education benefits under the VR&E program generally remain eligible for twelve years. Qualifying veterans who were discharged before January 1, 2013 generally remain eligible for education benefits under the Post-9/11 GI Bill for fifteen years. Eligibility for the Post-9/11 GI Bill education benefits does not expire for qualifying veterans discharged after January 1, 2013.

By removing the three-year eligibility window, this bill may allow additional individuals to qualify for in-state tuition rates. This may have a negative impact on other funds revenue for public IHLs. SBTCE feels that the impact on the technical schools would be minimal. CHE has surveyed the public IHLs to determine the impact this bill would have on their other funds revenue. To date, CHE has received no response. This fiscal impact statement will be updated upon receipt of additional information.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 59‑112‑50(C) OF THE 1976 CODE, RELATING TO THE DEFINITION OF “COVERED INDIVIDUAL” FOR THE PURPOSES OF TUITION RATES FOR MILITARY PERSONNEL AND THEIR DEPENDENTS, TO ELIMINATE THE REQUIREMENT THAT A VETERAN OR DEPENDENT ENROLL IN A PUBLIC INSTITUTION OF HIGHER EDUCATION WITHIN THREE YEAR’S OF THE VETERAN’S DISCHARGE IN ORDER TO RECEIVE EDUCATIONAL ASSISTANCE.

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

SECTION 1. Section 59‑112‑50(C) of the 1976 Code is amended to read:

“(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, Chapter 31, 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, or the National Guard ~~and who enrolls within three years of discharge~~;

(b) a person who is entitled to and receiving assistance under Section 3319, Title 38 of the United States Code by virtue of the person's relationship to the veteran described in subitem (a) ~~who enrolls within three years of the veteran's discharge~~;

(c) a person using transferred benefits under Section 3319, Title 38 of the United States Code while the transferor is on active duty in the uniformed service of the United States, their respective reserve forces, or the National Guard;

(d) a person who is entitled to and receiving assistance under Section 3311(b)(9), Title 38 of the United States Code; or

(e) a person who is entitled to and is receiving assistance under Section 3102(a), Title 38 of the United States Code.

(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) or (b), 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.~~”

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

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