

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019**

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**SENATE BILL 295**

Short Title: NC HS Graduation as Evidence of Residency. (Public)

Sponsors: Senator Tillman (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 20, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW EVIDENCE OF NORTH CAROLINA HIGH SCHOOL GRADUATION FOR STUDENTS TO REBUT THE PRESUMPTION THAT THE STUDENT'S RESIDENCE IS THE PARENT'S RESIDENCE FOR ESTABLISHING RESIDENCY FOR IN-STATE TUITION FOR NORTH CAROLINA COMMUNITY COLLEGES AND UNIVERSITIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-143.1 reads as rewritten:

**"§ 116-143.1. Provisions for determining resident status for tuition purposes.**

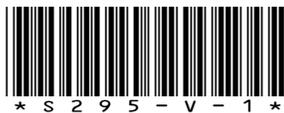
(a) As defined under this section:

- (1) A "legal resident" or "resident" is a person who qualifies as a domiciliary of North Carolina; a "nonresident" is a person who does not qualify as a domiciliary of North Carolina.
- (2) A "resident for tuition purposes" is a person who qualifies for the in-State tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-State tuition rate.
- (3) "Institution of higher education" means any of the constituent institutions of the University of North Carolina and the community colleges under the jurisdiction of the State Board of Community Colleges.
- (4) "Authority" means the State Education Assistance Authority created by and authorized to act under Article 23 of Chapter 116 of the General Statutes.

(b) To qualify as a resident for tuition purposes, a person must have established legal residence (domicile) in North Carolina and maintained that legal residence for at least 12 months immediately prior to his or her classification as a resident for tuition purposes. Every applicant for admission shall be required to make a statement as to his length of residence in the State.

(c) To be eligible for classification as a resident for tuition purposes, a person must establish that his or her presence in the State currently is, and during the requisite 12-month qualifying period was, for purposes of maintaining a bona fide domicile rather than of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(d) An individual shall not be classified as a resident for tuition purposes and, thus, not rendered eligible to receive the in-State tuition rate, until he or she has provided such evidence related to legal residence and its duration as may be required by the coordinated and centralized residency determination process administered by the Authority in accordance with this Article acting on behalf of officials of the institution of higher education from which the individual seeks the in-State tuition rate.



1 (e) When an individual presents evidence that the individual has living parent(s) or  
2 court-appointed guardian of the person, the legal residence of such parent(s) or guardian shall be  
3 prima facie evidence of the individual's legal residence, ~~which residence. This presumption may~~  
4 be reinforced or rebutted relative to the age and general circumstances of the individual by the  
5 other evidence of legal residence required of or presented by the ~~individual; provided, that the~~  
6 individual. One general circumstance that may be considered is whether an individual has  
7 graduated from a North Carolina high school. The legal residence of an individual whose parents  
8 are domiciled outside this State shall not be prima facie evidence of the individual's legal  
9 residence if the individual has lived in this State the five consecutive years prior to enrolling or  
10 reregistering at an institution of higher education.

11 (f) In making domiciliary determinations related to the classification of persons as  
12 residents or nonresidents for tuition purposes, the domicile of a married person, irrespective of  
13 sex, shall be determined, as in the case of an unmarried person, by reference to all relevant  
14 evidence of domiciliary intent. For purposes of this section:

15 (1) No person shall be precluded solely by reason of marriage to a person  
16 domiciled outside North Carolina from establishing or maintaining legal  
17 residence in North Carolina and subsequently qualifying or continuing to  
18 qualify as a resident for tuition purposes;

19 (2) No persons shall be deemed solely by reason of marriage to a person  
20 domiciled in North Carolina to have established or maintained a legal  
21 residence in North Carolina and subsequently to have qualified or continued  
22 to qualify as a resident for tuition purposes;

23 (3) In determining the domicile of a married person, irrespective of sex, the fact  
24 of marriage and the place of domicile of his or her spouse shall be deemed  
25 relevant evidence to be considered in ascertaining domiciliary intent.

26 (g) Any nonresident person, irrespective of sex, who marries a legal resident of this State  
27 or marries one who later becomes a legal resident, may, upon becoming a legal resident of this  
28 State, accede to the benefit of the spouse's immediately precedent duration as a legal resident for  
29 purposes of satisfying the 12-month durational requirement of this section.

30 ...."

31 **SECTION 2.** This act is effective when it becomes law.