

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 462

Short Title: Amend Residency for Tuition Purposes.

(Public)

Sponsors: Senator Lee.

Referred to: Judiciary.

March 24, 1997

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE COMMON-LAW PRESUMPTIONS
REGARDING DOMICILE APPLY WHEN DETERMINING RESIDENCY FOR
TUITION PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-143.1(b) reads as rewritten:

"(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~~ the person's classification as a resident for tuition purposes. Every applicant for admission or resident status shall be required to make a statement as to ~~his~~ the applicant's length of residence in the State. When determining whether an applicant qualifies as a resident for tuition purposes, a classifying institution shall ascertain legal residence using the common-law principles of domicile unless expressly prohibited under this section of the General Statutes."

Section 2. G.S. 116-143.1(e) reads as rewritten:

"(e) When an individual presents evidence that the individual has living parent(s) or a court-appointed guardian of the person, the legal residence of ~~such~~ the parent(s) or guardian shall be prima facie evidence of the individual's legal residence, which may be reinforced or rebutted relative to the age and general circumstances of the individual by the other evidence of legal residence required of or presented by the individual; provided,

1 the legal residence of an individual whose parents are domiciled outside this State shall
2 not be prima facie evidence of the individual's legal residence if the individual has lived
3 in this State the five consecutive years prior to enrolling or reregistering at the institution
4 of higher education at which resident status for tuition purposes is sought.
5 Notwithstanding any other provision of law, the common-law principles of domicile
6 concerning the domicile of a minor shall apply to this subsection."

7 Section 3. This act is effective when it becomes law and applies to academic
8 terms commencing on or after that date.