

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 436
SENATE BILL 616

AN ACT TO REWRITE G.S. 116-143.1 CONCERNING RESIDENCE FOR TUITION PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 116-143.1 is hereby rewritten to read as follows:

"§ 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 'non-resident' 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 'non-resident 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 and technical institutes under the jurisdiction of the North Carolina State Board of Education.

(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 officials of the institution of higher education from which the individual seeks the in-State tuition rate.

(e) When an individual presents evidence that the individual has living parent(s) or court-appointed guardian of the person, the legal residence of such 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, that the legal residence of an individual whose parents are domiciled outside this State shall not be prima facie evidence of the individual's legal residence if the individual has lived in this State the five consecutive years prior to enrolling or re-registering at the institution of higher education at which resident status for tuition purposes is sought.

(f) In making domiciliary determinations related to the classification of persons as residents or non-residents for tuition purposes, the domicile of a married person, irrespective of

sex, shall be determined, as in the case of an unmarried person, by reference to all relevant evidence of domiciliary intent.

For purposes of this section:

- (1) No person shall be precluded, solely by reason of marriage to a person domiciled outside North Carolina, from establishing or maintaining legal residence in North Carolina and subsequently qualifying or continuing to qualify as a resident for tuition purposes;
- (2) No person shall be deemed, solely by reason of marriage to a person domiciled in North Carolina, to have established or maintained a legal residence in North Carolina and subsequently to have qualified or continued to qualify as a resident for tuition purposes;
- (3) In determining the domicile of a married person, irrespective of sex, the fact of marriage and the place of domicile of his or her spouse shall be deemed relevant evidence to be considered in ascertaining domiciliary intent.

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

(h) No person shall lose his or her resident status for tuition purposes solely by reason of serving in the armed forces outside this State.

(i) A person who, having acquired bona fide legal residence in North Carolina, has been classified as a resident for tuition purposes but who, while enrolled in a State institution of higher education, loses North Carolina legal residence, shall continue to enjoy the in-State tuition rate for a statutory grace period. This grace period shall be measured from the date on which the culminating circumstances arose that caused loss of legal residence and shall continue for 12 months; provided, that a resident's marriage to a person domiciled outside of North Carolina shall not be deemed a culminating circumstance even when said resident's spouse continues to be domiciled outside of North Carolina; and provided, further, that if the 12-month period ends during a semester or academic term in which such a former resident is enrolled at a State institution of higher education, such grace period shall extend, in addition, to the end of that semester or academic term."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1975.