

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**H**

**D**

**HOUSE DRH30064-LE-65 (1/31)**

Short Title: In-State Comm. Coll. Tuition/Legal Residents.

(Public)

---

Sponsors: Representative Boylan.

---

Referred to:

---

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT PERSONS NOT LAWFULLY IN THE UNITED STATES ARE NOT ELIGIBLE FOR IN-STATE TUITION AT ANY COMMUNITY COLLEGE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-39 reads as rewritten:

**"§ 115D-39. Student tuition and fees.**

(a) The State Board of Community Colleges shall fix and regulate all tuition and fees charged to students for applying to or attending any institution pursuant to this Chapter.

The receipts from all student tuition and fees, other than student activity fees, shall be State funds and shall be deposited as provided by regulations of the State Board of Community Colleges.

The legal resident limitation with respect to tuition, set forth in G.S. 116-143.1 and G.S. 116-143.3, shall apply to students attending institutions operating pursuant to this Chapter; provided, however, that when an employer other than the armed services, as that term is defined in G.S. 116-143.3, pays tuition for an employee to attend an institution operating pursuant to this Chapter and when the employee works at a North Carolina business location, the employer shall be charged the in-State tuition rate; provided further, however, a community college may charge in-State tuition to up to one percent (1%) of its out-of-state students, rounded up to the next whole number, to accommodate the families transferred by business, the families transferred by industry, or the civilian families transferred by the military, consistent with the provisions of G.S. 116-143.3, into the State. Notwithstanding these requirements, a refugee who lawfully entered the United States and who is living in this State shall be deemed to qualify as a domiciliary of this State under G.S. 116-143.1(a)(1) and as a State resident for community college tuition purposes as defined in G.S. 116-143.1(a)(2). Also, a

1 nonresident of the United States who has resided in North Carolina for a 12-month  
2 qualifying period and has filed an immigrant petition with the United States  
3 Immigration and Naturalization Service shall be considered a State resident for  
4 community college tuition ~~purposes~~, provided the immigrant is lawfully in the  
5 United States.

6 (b) In addition, any person lawfully admitted to the United States who satisfied  
7 the qualifications for assignment to a public school set out under ~~G.S. 115C-366~~ and  
8 G.S. 115C-366, graduated from the public school to which the student was ~~assigned~~  
9 assigned, and is lawfully present in the United States, shall also be eligible for the State  
10 resident community college tuition rate. This subsection does not make a person a  
11 resident of North Carolina for any other purpose.

12 (c) In addition, a person sponsored under this subsection who is lawfully  
13 admitted to the United States is eligible for the State resident community college tuition  
14 rate. For purposes of this subsection, a North Carolina nonprofit entity is a charitable or  
15 religious corporation as defined in G.S. 55A-1-40 that is incorporated in North Carolina  
16 and that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code,  
17 or a civic league incorporated in North Carolina under Chapter 55A of the General  
18 Statutes that is exempt from taxation under section 501(c)(4) of the Internal Revenue  
19 Code. A nonresident of the United States is sponsored by a North Carolina nonprofit  
20 entity if the student resides in North Carolina while attending the community college  
21 and the North Carolina nonprofit entity provides a signed affidavit to the community  
22 college verifying that the entity accepts financial responsibility for the student's tuition  
23 and any other required educational fees. Any North Carolina nonprofit entity that  
24 sponsors a nonresident of the United States under this subsection may sponsor no more  
25 than five nonresident students annually under this subsection. This subsection does not  
26 make a person a resident of North Carolina for any other purpose.

27 (d) Notwithstanding any other provision of law, an individual who is unlawfully  
28 present in the United States shall not be eligible on the basis of residency within North  
29 Carolina to receive the State resident community college tuition rate."

30 **SECTION 2.** This act is effective when it becomes law and applies  
31 beginning with the second semester of the 2007-2008 school year.