**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑112‑25 SO AS TO PROVIDE THAT A DEPENDENT CHILD WHO IS A UNITED STATES CITIZEN MAY NOT BE DENIED CLASSIFICATION AS A DOMICILED RESIDENT WHEN DETERMINING ELIGIBILITY FOR IN‑STATE TUITION AND FEE RATES AND STATE‑SPONSORED TUITION ASSISTANCE AND SCHOLARSHIPS BASED SOLELY ON HIS STATUS OF HIS PARENT AS A NONRESIDENT ALIEN, TO PROVIDE THE MANNER THROUGH WHICH THE STUDENT MAY ESTABLISH DOMICILE, TO DEFINE NECESSARY TERMINOLOGY, AND TO PROHIBIT THE REQUIRING OF THE ABSENCE OF INDICIA IN OTHER STATES OR COUNTRIES BEFORE A STUDENT IS ELIGIBLE TO PAY IN‑STATE TUITION AND FEE RATES.

Whereas, the South Carolina General Assembly recognizes some United States citizens who reside and attend college in South Carolina are unfairly classified as “nonresidents” for tuition, fee, scholarship, and need‑based grant purposes solely because their parents, on whom they are dependent, lack requisite proof of citizenship or immigration status; and

Whereas, the South Carolina General Assembly finds that the status of a South Carolina parent as a nonresident alien should not prevent his child, who is a legal United States citizen, from receiving in‑state tuition and fee rates or being eligible for state‑sponsored scholarships and need‑based grants, and instead should be treated equally with other American citizens who are dependents of their parents and call South Carolina their home. Now, therefore,

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

SECTION 1. Chapter 112, Title 59 of the 1976 Code is amended by adding:

“Section 59‑112‑25. (A) A dependent child who is a United States citizen may not be denied classification as a domiciled resident for in‑state tuition and fee rate eligibility purposes, or for state‑sponsored tuition assistance and scholarship eligibility purposes, based solely on his status of his parent as a nonresident alien. For the purposes of this section, a ‘nonresident alien’ means a person who is not a citizen or permanent resident of the United States.

(B)(1) A dependent child who is a United States citizen may establish domicile in this State for in‑state tuition and fee rates, and for state‑sponsored tuition assistance and scholarships, if he otherwise meets the statutory requirements of Section 59‑112‑20, which he may prove by furnishing evidence such as a:

(a) statement of full‑time employment of his parent;

(b) South Carolina driver’s license of his parent or himself, or if a nondriver, a South Carolina identification card of his parent or himself;

(c) South Carolina vehicle registration card of his parent or himself;

(d) residential lease or rental agreement in South Carolina over the entire preceding twelve‑month period;

(e) a deed of ownership of a principal residence in this State; and

(f) proof of payment of South Carolina income taxes as a resident during the past tax year, including income earned outside of South Carolina from the date on which he claims domicile in this State began.

(2) When evaluating evidence submitted to satisfy the burden of establishing domicile in this State, a public institution of higher education shall consider any and all evidence provided concerning the claim of domicile, but may not regard any single item of evidence as conclusive evidence that domicile has been established.

(C) Requirement of the absence of indicia in other states or countries before a student is eligible to pay in‑state tuition and fee rates is prohibited.

(D) The provisions of this section must be strongly construed in favor of finding domicile status.”

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

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