

1978 WL 35151 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 5, 1978

*1 Mr. R. Laine Ligon
Director
Tuition Grants
411 Keenan Building
Columbia, SC 29201

Dear Mr. Ligon:

This is in reply to your request for an opinion from this Office whether military personnel and their dependents who are stationed in South Carolina twelve months or more can be considered as having met the residency requirements for Tuition Grants as outlined in [§ 59-113-20\(a\) of the Code of Laws of South Carolina \(1976\)](#), which states: 'Has been a resident of South Carolina for at least one year.'

The most recent legislative enactment providing for the determination of 'residency' for the setting of rates and tuition and fees to be paid by students at State supported post-secondary educational institutions is found in 60 STAT. Act No. 466 (1978 Reg. Session, p. 1411). Act No. 466 states that the word 'residence' as used in that statute 'shall mean continuous and permanent physical presence within the State, provided, that temporary absence for short periods of time shall not affect the establishment of a residence'.

In addition, Section 5 of Act No. 466 states that: 'Notwithstanding other provisions of this Act, during the period of their assignment to duty in South Carolina members of the armed services of the United States stationed in South Carolina and their dependents may be considered eligible for in-state rates.'

Using the last expression of the legislature's will as a guide in defining residency, it is the opinion of this Office that military personnel and their dependents who have been stationed in South Carolina for a period of one year should be considered eligible to apply for a tuition grant, if they otherwise meet the qualifications for grants.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Frank H. DuRant
Assistant Attorney General

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