

1 HB340  
2 174569-1  
3 By Representative Ford  
4 RFD: Ways and Means Education  
5 First Read: 25-FEB-16

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8 SYNOPSIS: Under existing law, certain individuals who  
9 are classified as resident students are eligible  
10 for instate tuition rates at public institutions of  
11 higher education in the state.

12 This bill would also classify members of the  
13 Alabama National Guard as residents who are  
14 eligible for instate tuition rates.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 To amend Section 16-64-2, Code of Alabama 1975,  
21 relating to the requirements for determining student  
22 residency, to also classify members of the Alabama National  
23 Guard as residents who are eligible for instate tuition rates.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 16-64-2 of the Code of Alabama  
26 1975, is amended to read as follows:

27 "§16-64-2.

1           "(a) For purposes of admission and tuition, a public  
2 institution of higher education may consider that the term  
3 resident student includes any of the following:

4           "(1) One who, at the time of registration, is not a  
5 minor and satisfies one of the following:

6           "a. Is a full-time permanent employee of the  
7 institution at which the student is registering or is the  
8 spouse of such an employee.

9           "b. Can verify full-time permanent employment within  
10 the State of Alabama or is the spouse of such an employee and  
11 will commence the employment within 90 days of registration  
12 with the institution.

13           "c. Is employed as a graduate assistant or fellow by  
14 the institution at which the student is registering.

15           "d. Is an accredited member of or the spouse of an  
16 accredited member of a consular staff assigned to duties in  
17 Alabama.

18           "e. Is in a program or takes courses within an  
19 interstate consortium of colleges or universities that either  
20 offers reciprocal resident student tuition to residents of  
21 Alabama in the program or courses offered by colleges or  
22 universities not within Alabama, or is enrolled in a program  
23 or courses through an interstate consortium of colleges or  
24 universities that assesses tuition at a uniform rate for all  
25 students enrolled in that course or program.

26           "f. Is, at the time of passage of this chapter, a  
27 student enrolled at a public college or university and who is

1 currently classified as a resident for tuition purposes  
2 provided such student maintains continuous enrollment at that  
3 institution.

4 "(2) One who, at the time of registration, is a  
5 minor and whose supporting person satisfies one of the  
6 following:

7 "a. Is a full-time permanent employee of the  
8 institution at which the student is registering.

9 "b. Can verify full-time permanent employment within  
10 the State of Alabama and will commence the employment within  
11 90 days of registration with the institution.

12 "c. Is an accredited member of a consular staff  
13 assigned to duties in Alabama.

14 "d. Commencing on the effective date of the act  
15 adding this paragraph, is a member of the Alabama National  
16 Guard.

17 "(b) For purposes of admission and tuition, a public  
18 institution of higher education shall consider that the term  
19 resident student includes any of the following:

20 "(1) One who, at the time of registration, is not a  
21 minor and satisfies one of the following:

22 "a. Is a member or the spouse of a member of the  
23 United States military on full-time active duty stationed in  
24 Alabama under orders other than attending school.

25 "b. Commencing on May 22, 2012, has been a member of  
26 the Alabama National Guard for a period of at least two years  
27 immediately preceding the student qualifying for resident

1 tuition and continues to be a member of the Alabama National  
2 Guard while enrolled at the public institution of higher  
3 education.

4 "c. Is a veteran of the Armed Forces of the United  
5 States, provided that the veteran has become a resident of  
6 Alabama and satisfies at least one of the following  
7 conditions:

8 "1. The veteran has served on active duty for a  
9 continuous period of time, not less than two years, and has  
10 received an honorable discharge as verified by a United States  
11 Department of Defense Form 214 within five years of enrolling  
12 in an Alabama public institution of higher education.

13 "2. The veteran is currently serving in a reserve  
14 component of the Armed Forces of the United States, as  
15 verified by a memorandum from the commanding officer of the  
16 veteran student.

17 "3. The veteran has been assigned a  
18 service-connected disability by the United States Department  
19 of Veterans Affairs.

20 "d. Is an out-of-state veteran who resides within 90  
21 miles of a campus located in Alabama and has enrolled at an  
22 institution whose board of trustees has voted to allow  
23 nonresident in-state tuition for active and retired military.

24 "(2) One who, at the time of registration, is a  
25 minor and whose supporting person is a member of the United  
26 States military on full-time active duty stationed in Alabama  
27 under orders for duties other than attending school.

1           "(3) One who, at the time of registration, is a  
2 full-time undergraduate student enrolled at an institution  
3 whose board of trustees has authorized resident tuition rates  
4 to apply to those non-resident students receiving a partial or  
5 full scholarship award in recognition of a particular talent  
6 or ability, provided such student possessed the talent or  
7 ability at the time of initial enrollment and maintains  
8 continuous scholarship eligibility at that institution.

9           "(c) The boards of trustees of each public  
10 institution of higher education in the state shall adopt rules  
11 and guidelines necessary to implement this section. It is the  
12 intent of the Legislature that constitutionally created boards  
13 of trustees comply with the requirements of this section."

14           Section 2. This act shall become effective on the  
15 first day of the third month following its passage and  
16 approval by the Governor, or its otherwise becoming law.