

1 HB123
2 147020-2
3 By Representatives Ison, McCutcheon, McMillan, Beech, Hubbard
4 (M), Love, Williams (D), McClurkin, Henry, Sessions, Baker,
5 Greer, Collins, Gaston, Scott, Davis, Fincher, McClendon,
6 Nordgren, Moore (M) and Barton
7 RFD: Education Policy
8 First Read: 05-FEB-13

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ENROLLED, An Act,

To amend Sections 16-64-2 and 16-64-4, Code of Alabama 1975, relating to tuition rates at two-year and four-year institutions of higher education; to further define the requirements for qualification as a resident student; to permit the governing boards of four-year institutions to set tuition rates for distance learning students; and to permit the Chancellor to set tuition rates for distance learning students at two-year institutions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-64-2 and 16-64-4 of the Code of Alabama 1975, are amended to read as follows:

"§16-64-2.

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

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

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

"b. Can verify full-time permanent employment within the State of Alabama or is the spouse of such an employee and

1 will commence the employment within 90 days of registration
 2 with the institution.

3 "c. Is a member or the spouse of a member of the
 4 United States military on full-time active duty stationed in
 5 Alabama under orders for duties other than attending school.

6 "d. Is employed as a graduate assistant or fellow by
 7 the institution at which the student is registering.

8 "e. Is an accredited member of or the spouse of an
 9 accredited member of a consular staff assigned to duties in
 10 Alabama.

11 "f. Is in a program or takes courses within an
 12 interstate consortium of colleges or universities that either
 13 offers reciprocal resident student tuition to residents of
 14 Alabama in the program or courses offered by colleges or
 15 universities not within Alabama, or is enrolled in a program
 16 or courses through an interstate consortium of colleges or
 17 universities that assesses tuition at a uniform rate for all
 18 students enrolled in that course or program.

19 "f.g. Is, at the time of passage of this chapter, a
 20 student enrolled at a public college or university and who is
 21 currently classified as a resident for tuition purposes
 22 provided such student maintains continuous enrollment at that
 23 institution.

24 "g.h. Commencing on May 22, 2012, has been a member
 25 of the Alabama National Guard for a period of at least two

1 years immediately preceding the student qualifying for
2 resident tuition and continues to be a member of the Alabama
3 National Guard while enrolled at the public institution of
4 higher education.

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

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

10 "b. Can verify full-time permanent employment within
11 the State of Alabama and will commence the employment within
12 90 days of registration with the institution.

13 "c. Is a member of the United States military on
14 full-time active duty stationed in Alabama under orders for
15 duties other than attending school.

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

18 "§16-64-4.

19 "(a) Each Alabama public institution of higher
20 education shall charge each undergraduate student who is
21 registered as a nonresident a minimum tuition of two times the
22 resident tuition rate charged by that institution. This rate
23 shall be effective for students who register at an institution
24 beginning August 1, 1997. A nonresident graduate student at an
25 institution shall be charged a rate of tuition that is at

1 least at the level of tuition charged to a nonresident
2 undergraduate.

3 "(b) The governing boards of each four-year public
4 institution of higher education shall retain the power to
5 extend resident tuition rates to students who reside in any
6 county within 50 miles of a campus of the institution;
7 provided, however, that campus must be in existence and
8 operating as of January 1, 1996. For public two-year
9 institutions, the State Board of Education, upon the
10 recommendation of the Chancellor of the Department of
11 Postsecondary Education, shall retain the power to extend
12 resident tuition rates to students who reside in any county
13 within 50 miles of a campus of the institution; provided,
14 however, that campus must be in existence and operating as of
15 January 1, 1996.

16 "(c) Any provision of law to the contrary
17 notwithstanding, the governing boards of each four-year public
18 institution of higher education shall retain the power to set
19 tuition rates for programs that are delivered in a distance
20 format to students who are not present within the boundaries
21 of the state at the time the distance program is delivered.
22 For public two-year institutions of higher education, the
23 State Board of Education, upon the recommendation of the
24 Chancellor of the Department of Postsecondary Education, shall
25 retain the power to set tuition rates for programs that are

1 delivered in a distance format for students who are not
2 present within the boundaries of the state at the time the
3 distance program is delivered."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-APR-13.

Jeff Woodard
Clerk

Senate

20-MAY-13

Passed