

1                   HB123  
2                   147020-1  
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

1 147020-1:n:01/08/2013:KMS\*/th LRS2013-60

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8 SYNOPSIS: Under existing law, the nonresident tuition  
9 rate charged at two-year and four-year institutions  
10 of higher education is a minimum of two times the  
11 resident tuition rate charged by the institution.

12 This bill would further define the  
13 qualifications of a resident student.

14 This bill would permit the governing boards  
15 of four-year institutions of higher education to  
16 set tuition rates for distance learning students.

17 This bill would permit the Chancellor of the  
18 Department of Postsecondary Education to set  
19 tuition rates for distance learning students at  
20 two-year institutions of higher education.

21  
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25  
26 To amend Sections 16-64-2 and 16-64-4, Code of  
27 Alabama 1975, relating to tuition rates at two-year and

1 four-year institutions of higher education; to further define  
2 the requirements for qualification as a resident student; to  
3 permit the governing boards of four-year institutions to set  
4 tuition rates for distance learning students; and to permit  
5 the Chancellor to set tuition rates for distance learning  
6 students at two-year institutions.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10                   "§16-64-2.

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

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

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

19                   "b. Can verify full-time permanent employment within  
20 the State of Alabama or is the spouse of such an employee and  
21 will commence the employment within 90 days of registration  
22 with the institution.

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

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

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

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

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

"g.h. Commencing on May 22, 2012, has been a member of the Alabama National Guard for a period of at least two years immediately preceding the student qualifying for resident tuition and continues to be a member of the Alabama National Guard while enrolled at the public institution of higher education.

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

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

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

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

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

"§16-64-4.

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

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

1 resident tuition rates to students who reside in any county  
2 within 50 miles of a campus of the institution; provided,  
3 however, that campus must be in existence and operating as of  
4 January 1, 1996.

5 "(c) Any provision of law to the contrary  
6 notwithstanding, the governing boards of each four-year public  
7 institution of higher education shall retain the power to set  
8 tuition rates for programs that are delivered in a distance  
9 format to students who are not present within the boundaries  
10 of the state at the time the distance program is delivered.  
11 For public two-year institutions of higher education, the  
12 State Board of Education, upon the recommendation of the  
13 Chancellor of the Department of Postsecondary Education, shall  
14 retain the power to set tuition rates for programs that are  
15 delivered in a distance format for students who are not  
16 present within the boundaries of the state at the time the  
17 distance program is delivered."

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