HB123
147020-2
By Representatives Ison, McCutcheon, McMillan, Beech, Hubbard
(M), Love, Williams (D), McClurkin, Henry, Sessions, Baker,
Greer, Collins, Gaston, Scott, Davis, Fincher, McClendon,
Nordgren, Moore (M) and Barton
RFD: Education Policy
First Read: 05-FEB-13
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
will commence the employment within 90 days of registration
with the institution.

"c. Is a member or the spouse of 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 employed as a graduate assistant or fellow by
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.

"frg. 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.

"frh. 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 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.

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

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

APPROVED May 23, 2013
TIME 2:15 p.m.

GOVERNOR

Alabama Secretary Of State
Act Num.: 2013-331
Bill Num.: H-123
Recv'd 05/24/13 11:11amSLF
REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 0 w/sub 0 this 21st day of February, 2013.

McCluggage, Chairperson

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 133.

YEAS 97 NAYS 0

JEFF WOODARD, Clerk

FURTHER HOUSE ACTION (OVER)