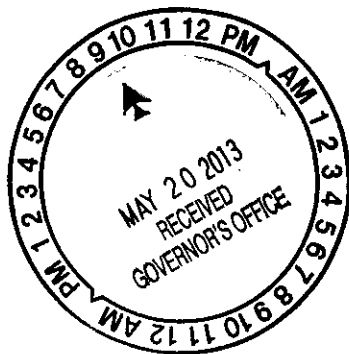


# ACT 2013 - 331

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



1  
2 ENROLLED, An Act,

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

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§16-64-2.

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

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

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

23 "b. Can verify full-time permanent employment within  
24 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.

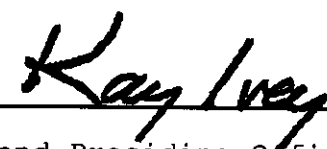
16 "(c) Any provision of law to the contrary  
17 notwithstanding, the governing boards of each four-year public  
18 institution of higher education shall retain the power to set  
19 tuition rates for programs that are delivered in a distance  
20 format to students who are not present within the boundaries  
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

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

28	McLach
29	McMillan
30	Shane Speck
31	Hubbard, M.
32	Stone
33	Williamson
34	McCluney
35	Scott
36	Baker
37	Greer
38	Cocaine
39	Johnston
40	Scott
41	Davis
42	Fincher
43	McNendon
44	Morgan
45	McMurre
46	SSC
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DATE: 2-5 2013

RD 1 RFD EP

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 21<sup>st</sup> day of February, 20 13.

McCluney, Chairperson

DATE: 2-21 2013

RF

RD 2 CAL

DATE: 20\_\_

RE-REFERRED ☐ RE-COMMITTED ☐

Committee

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 123.

YEAS 97 NAYS 0

JEFF WOODARD, Clerk

FURTHER HOUSE ACTION (OVER)

DATE: 4-11 2013

RD 1 RFD ED

This Bill was referred to the Standing Committee of the Senate on Education

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amd(s) 0 w/sub 0 w/eng sub 0 by a vote of

YEAS 17 NAYS 0 abstain 0

this 17<sup>th</sup> day of April 20 13

McCluney, Chairperson

DATE: 4-18 2013

RF FAU

RD 2 CAL ☒

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 0.

YEAS 0 NAYS 0

PATRICK HARRIS, Secretary

DATE: 5-20-13 RD 3 at length

PASSED ☒ PASSED AS AMENDED ☐

YEAS 28 NAYS 1

And was ordered returned forthwith to the House.

PATRICK HARRIS, Secretary

DATE: 20\_\_

INDEFINITELY POSTPONED

YEAS

NAYS

DATE: 20\_\_

RECONSIDERED

YEAS

NAYS

FURTHER SENATE ACTION (OVER)