

1 SB83  
2 208911-2  
3 By Senators Whatley and Butler  
4 RFD: Veterans and Military Affairs  
5 First Read: 02-FEB-21  
6 PFD: 01/27/2021

1 SB83

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4 ENROLLED, An Act,

5 Relating to public institutions of higher education;  
6 to amend Section 16-64-2, Code of Alabama 1975; to provide  
7 that a student who is the minor child of a military service  
8 member stationed in Alabama may register for enrollment at an  
9 Alabama public institution of higher education as a resident  
10 student and be considered an in-state resident for tuition  
11 purposes under certain conditions; and to require public  
12 institutions of higher education to consider a military  
13 service member stationed in Alabama, as well as his or her  
14 spouse and minor children, to be resident students regardless  
15 of whether the military service member is under orders to  
16 attend schooling.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 16-64-2, Code of Alabama 1975, is  
19 amended to read as follows:

20 "§16-64-2.

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

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

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

5            "b. ~~Can verify full-time permanent employment~~ Is  
6 currently permanently employed full-time within the State of  
7 Alabama, ~~or is the spouse of such an employee~~ and will  
8 commence the permanent, full-time employment within 90 days of  
9 registration with the institution, or is the spouse of a  
10 person who is either currently permanently employed full-time  
11 within the State of Alabama or who will commence the  
12 permanent, full-time employment within 90 days of registration  
13 with the institution.

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

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

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

1 universities that assesses tuition at a uniform rate for all  
2 students enrolled in that course or program.

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

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

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

13 "b. Can verify full-time permanent employment within  
14 the State of Alabama and will commence the employment within  
15 90 days of registration with the institution.

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

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

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

23 "a. 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 other than attending school.~~

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

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

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

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

20            "3. The veteran has been assigned a  
21 service-connected disability by the United States Department  
22 of Veterans Affairs.

23            "d. Is an out-of-state veteran who resides within 90  
24 miles of a campus located in Alabama and has enrolled at an

1 institution whose board of trustees has voted to allow  
2 nonresident in-state tuition for active and retired military.

3 "(2) One who, at the time of initial registration,  
4 is a minor and whose supporting person is a member of the  
5 United States military on full-time active duty stationed in  
6 Alabama ~~under orders for duties other than attending school~~. A  
7 student establishing residency pursuant to this subdivision  
8 shall continue to be considered a resident student, regardless  
9 of any transfer of his or her supporting person to an  
10 out-of-state duty station, provided the student maintains  
11 continuous enrollment at that institution.

12 "(3) One who, at the time of registration, is a  
13 full-time undergraduate student enrolled at an institution  
14 whose board of trustees has authorized resident tuition rates  
15 to apply to those non-resident students receiving a partial or  
16 full scholarship award in recognition of a particular talent  
17 or ability, provided ~~such~~ the student possessed the talent or  
18 ability at the time of initial enrollment and maintains  
19 continuous scholarship eligibility at that institution.

20 "(c) The boards of trustees of each public  
21 institution of higher education in the state shall adopt rules  
22 and guidelines necessary to implement this section. It is the  
23 intent of the Legislature that constitutionally created boards  
24 of trustees comply with the requirements of this section."

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB83  
Senate 04-FEB-21  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Passed: 04-MAR-21

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By: Senator Whatley