

1 HB220  
2 155197-3  
3 By Representative Williams (D)  
4 RFD: Education Policy  
5 First Read: 14-JAN-14

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8 SYNOPSIS: In 2012, Athens State University was  
9 reconstituted and placed under the direction of its  
10 own board of trustees.

11 This bill would include the President of  
12 Athens State University as a member of the Council  
13 of Presidents and would provide for the appointment  
14 of members by the Chancellor of Postsecondary  
15 Education in lieu of the State Superintendent of  
16 Education.

17 This bill would provide, for purposes of  
18 setting tuition and distance learning rates, that  
19 Athens State University be treated the same as  
20 other state institutions of higher education.

21 This bill would also authorize the Code  
22 Commissioner to make the appropriate changes in  
23 terminology in the code to reflect the  
24 reconstituted status of Athens State University.

25  
26 A BILL  
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 16-5-5 and Section 16-64-4, as  
4 amended by Act 2013-331, 2013 Regular Session, and Section  
5 16-64-5, Code of Alabama 1975, relating to Athens State  
6 University; to include the President of Athens State  
7 University as a member of the Council of Presidents; to  
8 provide for the appointment of members to the council by the  
9 Chancellor of Postsecondary Education in lieu of the State  
10 Superintendent of Education; to authorize the university to  
11 set tuition and distance learning rates; and to authorize the  
12 Code Commissioner to make the appropriate changes in  
13 terminology in the code to reflect the reconstituted status of  
14 Athens State University.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 16-5-5, 16-64-4, as amended by  
17 Act 2013-331, 2013 Regular Session, and 16-64-5 of the Code of  
18 Alabama 1975, are amended to read as follows:

19 "§16-5-5.

20 "The commission, in consultation with the agencies  
21 and institutions concerned with higher education in this  
22 state, shall analyze and evaluate on a continuing basis the  
23 present and future needs for instruction, research and public  
24 service in postsecondary education in the state, including  
25 facilities, and assess the present and future capabilities.  
26 The use of advisory groups and consultants, as deemed  
27 desirable, may be used to meet these needs in order to provide

1 the highest possible quality of collegiate and university  
2 education to all persons in the state able and willing to  
3 participate. One such advisory committee shall be the Council  
4 of Presidents, consisting of the president of each public  
5 four-year institution of higher education and Athens State  
6 University, the ~~State Superintendent~~ Chancellor of  
7 Postsecondary Education, and the presidents of three public  
8 two-year institutions of higher education, to be selected by  
9 the ~~Superintendent of Education~~ chancellor.

10 "§16-64-4.

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

20 "(b) The governing boards of each four-year public  
21 institution of higher education and Athens State University  
22 shall retain the power to extend resident tuition rates to  
23 students who reside in any county within 50 miles of a campus  
24 of the institution; provided, however, that campus must be in  
25 existence and operating as of January 1, 1996. For public  
26 two-year institutions, not including Athens State University,  
27 the State Board of Education, upon the recommendation of the

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

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

20 "§16-64-5.

21 "A four-year public institution of higher education  
22 and Athens State University, at the discretion of its  
23 governing board, and a two-year public institution of higher  
24 education, except Athens State University, at the discretion  
25 of the Chancellor of the Department of Postsecondary  
26 Education, may elect to adopt policies regarding nonresident

1 tuition which are more rigorous than those specified in this  
2 chapter."

3 Section 2. In addition to the duties of the Code  
4 Commissioner provided in Section 16-47A-13, whenever any  
5 section of the Code of Alabama 1975, refers to a "four-year  
6 public institution of higher education," the Code Commissioner  
7 is directed to make the appropriate changes in terminology to  
8 reflect the reconstituted status of Athens State University as  
9 a public institution of higher education under a separate  
10 board of trustees as provided by Chapter 47A of Title 16.

11 Section 3. This act shall become effective  
12 immediately following its passage and approval by the  
13 Governor, or its otherwise becoming law.