

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

8 SYNOPSIS: Existing law provides requirements for  
9 establishing residency for purposes of admission  
10 and tuition at public institutions of higher  
11 education.

12 This bill would provide that a student who  
13 is the minor child of a military service member  
14 stationed in Alabama may register for enrollment at  
15 an Alabama public institution of higher education  
16 as a resident student, and shall continue to be  
17 considered as an in-state resident for purposes of  
18 matriculation at the institution even if that  
19 military service member receives orders for  
20 transfer to an out-of-state duty station, provided  
21 the student maintains continuous enrollment at that  
22 institution.

23 This bill would also require public  
24 institutions of higher education to consider a  
25 military service member stationed in Alabama, as  
26 well as his or her spouse and minor children, to be  
27 resident students regardless of whether the

1 military service member is under orders to attend  
2 schooling.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§16-64-2.

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

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

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

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

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

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

21           "e. Is in a program or takes courses within an  
22 interstate consortium of colleges or universities that either  
23 offers reciprocal resident student tuition to residents of  
24 Alabama in the program or courses offered by colleges or  
25 universities not within Alabama, or is enrolled in a program  
26 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~~.

26 "b. Commencing on May 22, 2012, has been a member of  
27 the Alabama National Guard for a period of at least two years

1 immediately preceding the student qualifying for resident  
2 tuition and continues to be a member of the Alabama National  
3 Guard while enrolled at the public institution of higher  
4 education.

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

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

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

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

21 "d. Is an out-of-state veteran who resides within 90  
22 miles of a campus located in Alabama and has enrolled at an  
23 institution whose board of trustees has voted to allow  
24 nonresident in-state tuition for active and retired military.

25 "(2) One who, at the time of initial registration,  
26 is a minor and whose supporting person is a member of the  
27 United States military on full-time active duty stationed in

1 Alabama ~~under orders for duties other than attending school.~~ A  
2 student establishing residency pursuant to this subdivision  
3 shall continue to be considered a resident student, regardless  
4 of any transfer of his or her supporting person to an  
5 out-of-state duty station, provided the student maintains  
6 continuous enrollment at that institution.

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

15 "(c) The boards of trustees of each public  
16 institution of higher education in the state shall adopt rules  
17 and guidelines necessary to implement this section. It is the  
18 intent of the Legislature that constitutionally created boards  
19 of trustees comply with the requirements of this section."

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