

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2410

AN ACT

AMENDING SECTION 15-1802, ARIZONA REVISED STATUTES; RELATING TO POSTSECONDARY EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1802, Arizona Revised Statutes, is amended to
3 read:

4 15-1802. In-state student status

5 A. Except as otherwise provided in this article, no person having a
6 domicile elsewhere than in this state is eligible for classification as an
7 in-state student for tuition purposes.

8 B. A person is not entitled to classification as an in-state student
9 until the person is domiciled in this state for one year, except that a
10 person whose domicile is in this state is entitled to classification as an
11 in-state student if the person meets one of the following requirements:

12 1. The person's parent's domicile is in this state and the parent is
13 entitled to claim the person as an exemption for state and federal tax
14 purposes.

15 2. The person is an employee of an employer that transferred the
16 person to this state for employment purposes or the person is the spouse of
17 such an employee.

18 3. The person is an employee of a school district in this state and is
19 under contract to teach on a full-time basis or is employed as a full-time
20 noncertified classroom aide at a school within that school district. For the
21 purposes of this paragraph, the person is eligible for classification as an
22 in-state student only for courses necessary to complete the requirements for
23 certification by the state board of education to teach in a school district
24 in this state. No member of the person's family is eligible for
25 classification as an in-state student if the person is eligible for
26 classification as an in-state student pursuant to this paragraph, unless the
27 family member is otherwise eligible for classification as an in-state student
28 pursuant to this section.

29 4. The person's spouse has established domicile in this state for at
30 least one year and has demonstrated intent and financial independence and is
31 entitled to claim the student as an exemption for state and federal tax
32 purposes or the person's spouse was temporarily out of state for educational
33 purposes, but maintained a domicile in this state. If the person is a
34 noncitizen, the person must be in an eligible visa status pursuant to federal
35 law to classify as an in-state student for tuition purposes.

36 C. The domicile of an unemancipated person is that of the person's
37 parent.

38 D. Any unemancipated person who remains in this state when the
39 person's parent, who had been domiciled in this state, removes from this
40 state is entitled to classification as an in-state student until attainment
41 of the degree for which currently enrolled, as long as the person maintains
42 continuous attendance.

43 E. A person who is a member of the armed forces of the United States
44 and who is stationed in this state pursuant to military orders or who is the
45 spouse or a dependent child as defined in section 43-1001 of a person who is

1 a member of the armed forces of the United States and who is stationed in
2 this state pursuant to military orders is entitled to classification as an
3 in-state student. A spouse or a dependent child does not lose in-state
4 student classification under this subsection if the spouse or dependent child
5 qualifies for in-state tuition classification at the time the spouse or
6 dependent child is accepted for admission to a community college under the
7 jurisdiction of a community college district governing board or a university
8 under the jurisdiction of the Arizona board of regents. The student, while
9 in continuous attendance toward the degree for which currently enrolled, does
10 not lose in-state student classification.

11 F. A person who is a member of the armed forces of the United States
12 or the spouse or a dependent as defined in section 43-1001 of a member of the
13 armed forces of the United States is entitled to classification as an
14 in-state student if the member of the armed forces has claimed this state as
15 the person's state of legal residence for at least twelve consecutive months
16 before the member of the armed forces, spouse or dependent enrolls in a
17 university under the jurisdiction of the Arizona board of regents or a
18 community college under the jurisdiction of a community college district
19 governing board. For the purposes of this subsection, the requirement that a
20 person be domiciled in this state for one year before enrollment to qualify
21 for in-state student classification does not apply.

22 G. BEGINNING IN THE FALL SEMESTER OF 2011, a person who is honorably
23 discharged from the armed forces of the United States shall be granted
24 immediate classification as an in-state student on honorable discharge from
25 the armed forces and, while in continuous attendance toward the degree for
26 which currently enrolled, does not lose in-state student classification if
27 the person has met ~~all of~~ the following requirements:

28 ~~1. Declared Arizona as the person's legal residence with the person's~~
29 ~~branch of service at least one year prior to discharge from the armed forces.~~

30 1. REGISTERED TO VOTE IN THIS STATE.

31 2. Demonstrated objective evidence of intent to be a resident of
32 Arizona which, for the purposes of this section, includes at least one of the
33 following:

34 (a) An Arizona driver license.

35 (b) Arizona motor vehicle registration.

36 (c) Employment history in Arizona.

37 ~~(d) Arizona voter registration.~~

38 ~~(e)~~ (d) Transfer of major banking services to Arizona.

39 ~~(f)~~ (e) Change of permanent address on all pertinent records.

40 ~~(g)~~ (f) Other materials of whatever kind or source relevant to
41 domicile or residency status.

42 ~~3. Filed an Arizona income tax return with the department of revenue~~
43 ~~during the previous tax year.~~

1 H. A person who is a member of an Indian tribe recognized by the
2 United States department of the interior whose reservation land lies in this
3 state and extends into another state and who is a resident of the reservation
4 is entitled to classification as an in-state student.

5 ~~I. Notwithstanding subsection G of this section, a person who was~~
6 ~~servng at a military installation in this state at the time the person was~~
7 ~~honorably discharged from any branch of the armed forces of the United States~~
8 ~~is entitled to immediate classification as an in state student, without~~
9 ~~regard to the length of time the person was domiciled in this state.~~

10 Sec. 2. In-state status for honorably discharged veterans of
11 armed forces before fall semester 2011

12 A. Notwithstanding section 15-1802, Arizona Revised Statutes, as
13 amended by this act, for any semester before the start of the fall semester
14 of 2011, a person who is honorably discharged from the armed forces of the
15 United States shall be granted immediate classification as an in-state
16 student on honorable discharge from the armed forces and, while in continuous
17 attendance toward the degree for which currently enrolled, does not lose
18 in-state student classification if the person has met all of the following
19 requirements:

20 1. Declared Arizona as the person's legal residence with the person's
21 branch of service at least one year before discharge from the armed forces.

22 2. Demonstrated objective evidence of intent to be a resident of
23 Arizona which, for the purposes of this section, includes at least one of the
24 following:

25 (a) An Arizona driver license.

26 (b) Arizona motor vehicle registration.

27 (c) Employment history in Arizona.

28 (d) Arizona voter registration.

29 (e) Transfer of major banking services to Arizona.

30 (f) Change of permanent address on all pertinent records.

31 (g) Other materials of whatever kind or source relevant to domicile or
32 residency status.

33 3. Filed an Arizona income tax return with the department of revenue
34 during the previous tax year.

35 B. Notwithstanding subsection A of this section, for any semester
36 before the start of the fall semester of 2011, a person who was serving at a
37 military installation in this state at the time the person was honorably
38 discharged from any branch of the armed forces of the United States is
39 entitled to immediate classification as an in-state student, without regard
40 to the length of time the person was domiciled in this state.

41 Sec. 3. Emergency

42 This act is an emergency measure that is necessary to preserve the
43 public peace, health or safety and is operative immediately as provided by
44 law.