Chapter 201

House Bill 2091

An Act

Amending Sections 15-1802 and 15-1802.01, Arizona Revised Statutes; Relating to Postsecondary Education.

(Text of Bill Begins on Next Page)
Be it enacted by the Legislature of the State of Arizona:

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

15-1802. In-state student status
A. Except as otherwise provided in this article, no person having a domicile elsewhere than in this state is eligible for classification as an in-state student for tuition purposes.
B. A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year, except that a person whose domicile is in this state is entitled to classification as an in-state student if the person meets one of the following requirements:
   1. The person's parent's domicile is in this state and the parent is entitled to claim the person as an exemption for state and federal tax purposes.
   2. The person is an employee of an employer that transferred the person to this state for employment purposes or the person is the spouse of such an employee.
   3. The person is an employee of a school district in this state and is under contract to teach on a full-time basis or is employed as a full-time uncertified classroom aide at a school within that school district. For the purposes of this paragraph, the person is eligible for classification as an in-state student only for courses necessary to complete the requirements for certification by the state board of education to teach in a school district in this state. No member of the person's family is eligible for classification as an in-state student if the person is eligible for classification as an in-state student pursuant to this paragraph, unless the family member is otherwise eligible for classification as an in-state student pursuant to this section.
   4. The person's spouse has established domicile in this state for at least one year and has demonstrated intent and financial independence and is entitled to claim the student as an exemption for state and federal tax purposes or the person's spouse was temporarily out of state for educational purposes, but maintained a domicile in this state. If the person is a noncitizen, the person must be in an eligible visa status pursuant to federal law to classify as an in-state student for tuition purposes.
C. The domicile of an unemancipated person is that of the person's parent.
D. Any unemancipated person who remains in this state when the person's parent, who had been domiciled in this state, removes from this state is entitled to classification as an in-state student until attainment of the degree for which currently enrolled, as long as the person maintains continuous attendance.
E. A person who is a member of the armed forces of the United States and who is stationed in this state pursuant to military orders or who is the spouse or a dependent child as defined in section 43-1001 of a person who is a member of the armed forces of the United States and who is stationed in
this state pursuant to military orders is entitled to classification as an
in-state student. A spouse or a dependent child does not lose in-state
student classification under this subsection if the spouse or dependent child
qualifies for in-state tuition classification at the time the spouse or
dependent child is accepted for admission to a community college under the
jurisdiction of a community college district governing board or a university
under the jurisdiction of the Arizona board of regents. The student, while
in continuous attendance toward the degree for which currently enrolled, does
not lose in-state student classification.

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

G. Beginning in the fall semester of 2011, A person who is honorably
discharged HOLDING AN HONORABLE DISCHARGE from the armed forces UNIFORMED
SERVICES of the United States ON FROM either active duty or reserve or
national guard status, or who has retired from active duty or reserve or
national guard status, shall be granted immediate classification as an
in-state student ON HONORABLE DISCHARGE from the armed forces AND, while IN
continuous attendance toward the degree for which currently CONTINUOUSLY
enrolled, does not lose in-state student classification if the person has met
the following requirements:

1. Registered to vote in this state.
2. Demonstrated objective evidence of intent to be a resident of
Arizona WHICH THAT, for the purposes of this section, includes at least one
of the following:
   1. REGISTRATION TO VOTE IN THIS STATE.
   2. An Arizona driver license.
   3. Arizona motor vehicle registration.
   4. Employment history in Arizona.
   5. Transfer of major banking services to Arizona.
   6. Change of permanent address on all pertinent records.
   7. Other materials of whatever kind or source relevant to
      domicile or residency status.

H. A PERSON WHO, WHILE USING EDUCATIONAL ASSISTANCE UNDER 38 UNITED
STATES CODE CHAPTER 30 OR CHAPTER 33, ENROLLS IN A UNIVERSITY UNDER THE
JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE
JURISDICTION OF A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD WITHIN THREE
YEARS AFTER THE VETERAN'S DISCHARGE FROM ACTIVE DUTY SERVICE OF NINETY OR
MORE DAYS OR WITHIN THREE YEARS AFTER THE SERVICE MEMBER'S DEATH IN THE LINE
OF DUTY FOLLOWING A PERIOD OF ACTIVE DUTY SERVICE OF NINETY OR MORE DAYS OR
WHO REMAINS CONTINUOUSLY ENROLLED BEYOND THE THREE-YEAR PERIOD FOLLOWING THE
DISCHARGE OF THE VETERAN OR THE SERVICE MEMBER'S DEATH SHALL BE GRANTED
IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT AND DOES NOT LOSE IN-STATE
STUDENT CLASSIFICATION IF THE PERSON HAS DEMONSTRATED OBJECTIVE EVIDENCE OF
INTENT TO BE A RESIDENT OF THIS STATE THAT, FOR THE PURPOSES OF THIS SECTION,
INCLUDES AT LEAST ONE OF THE FOLLOWING:

1. REGISTRATION TO VOTE IN THIS STATE.
2. AN ARIZONA DRIVER LICENSE.
3. ARIZONA MOTOR VEHICLE REGISTRATION.
4. EMPLOYMENT HISTORY IN ARIZONA.
5. TRANSFER OF MAJOR BANKING SERVICES IN ARIZONA.
6. CHANGE OF PERMANENT ADDRESS ON ALL PERTINENT RECORDS.
7. OTHER MATERIALS OF WHATEVER KIND OR SOURCE RELEVANT TO DOMICILE OR
RESIDENCY STATUS.

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

Sec. 2. Section 15-1802.01, Arizona Revised Statutes, is amended to
read:

15-1802.01. County residency status; community college
districts

A. Each community college district shall adopt policies regarding
domicile requirements that include, at a minimum, the following:
1. Each student shall have the question of domicile determined before
the time of registration and payment of fees. It is the responsibility of
the student to register under the correct domicile determination.
2. Enforcement of domicile requirements shall be the responsibility of
the chief executive officer of each community college district.
3. The chief executive officer of each community college district
shall designate a representative at each college or campus who is responsible
for documents and who is qualified to administer oaths as defined in section
41-311 in connection with statements and testimony relative to student
domicile status for tuition purposes.
4. In addition to the requirements prescribed in section 15-1802,
subsection G SUBSECTIONS G AND H, any of the following may be used in
determining a student's domicile:
(a) An income tax return.
(b) The place of graduation from high school.
(c) The source of financial support.
(d) Dependency as indicated on a federal income tax return.
(e) Ownership of real property.
(f) A notarized statement of a landlord or employer.
(g) Bank accounts.
B. Each community college district shall adopt policies regarding classification procedures for a student for nonresident or resident tuition purposes that include, at a minimum, the following:

1. In determining a student's classification, the college may consider all evidence, written or oral, presented by the student and any other information received from any source that is relevant to determining classification. The college may request written sworn statements or sworn testimony of the student.

2. The decision as to classification shall be made by the representative designated pursuant to subsection A, paragraph 3 of this section. In making the decision the representative may consult with other college officials. Decisions by the representative shall be made as soon as possible after all relevant information is acquired.

3. If the representative classifies the student as a nonresident for tuition purposes, the decision shall be communicated to the student by mail to the most recent address furnished to the college. If the student is classified as a nonresident for tuition purposes, the student must make satisfactory provision for payment of nonresident tuition and other charges.

C. Each community college district shall adopt a review and appeals process for students contesting a domicile decision by the college.

Sec. 3. Emergency

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

APPROVED BY THE GOVERNOR APRIL 6, 2015.