State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1115

Introduced by
Senator Borrelli

AN ACT

AMENDING SECTION 15-1802, ARIZONA REVISED STATUTES; RELATING TO HIGHER 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, a person having a domicile elsewhere than in this state is NOT 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 domicile of the person's parent 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 noncertified 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. A member of the person's family is NOT 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, 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 the person is 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, THE spouse or THE 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. A person holding an honorable discharge from the uniformed services of the United States 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 and, while continuously enrolled, does not lose in-state student classification if the person has demonstrated objective evidence of intent to be a resident of Arizona 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 meets any of the requirements prescribed in subsection K of this section 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 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.

I. 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.

J. A person who has participated in the AmeriCorps program or the volunteers in service to America program for at least one year in this state is entitled to classification as an in-state student.

K. A person who meets any of the following requirements is entitled to immediate classification as an in-state student if that person has demonstrated objective evidence of intent to be a resident of this state as prescribed in subsection H of this section:

1. The person is a veteran as defined in title 38 of the United States Code who, while using educational assistance under 38 United States Code chapter 30, 31, 33 OR 35, 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 who remains continuously enrolled beyond the three-year period following the discharge of the veteran.

2. The person does not meet the requirements prescribed in paragraph 3 or 4 of this subsection and, while using educational assistance under 38 United States Code chapter 30, 31, 33 OR 35, 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 remains continuously enrolled beyond the three-year period following the discharge of the veteran.

3. The person, while using benefits under the Marine Gunnery Sergeant John David Fry Scholarship prescribed in 38 United States Code section 3311(b)(9), 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.
4. The person, while using transferred Post/911 G.I. Bill benefits pursuant to 38 United States Code section 3319 during a time in which the transferor is a member of the uniformed services serving on active duty, 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.

5. The person is otherwise described in 38 United States Code section 3679(c).

Sec. 2. 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.