

Senate Engrossed
in-state student status; veterans

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

SENATE BILL 1115

AN ACT

AMENDING SECTION 15-1802, ARIZONA REVISED STATUTES; RELATING TO HIGHER
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~~ A person having
6 a domicile elsewhere than in this state is NOT eligible for classification
7 as an in-state student for tuition purposes.

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

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

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

19 3. The person is an employee of a school district in this state and
20 is under contract to teach on a full-time basis or is employed as a
21 full-time noncertified classroom aide at a school within that school
22 district. For the purposes of this paragraph, the person is eligible for
23 classification as an in-state student only for courses necessary to
24 complete the requirements for certification by the state board of
25 education to teach in a school district in this state. ~~no~~ A member of the
26 person's family is NOT eligible for classification as an in-state student
27 if the person is eligible for classification as an in-state student
28 pursuant to this paragraph, unless the family member is otherwise eligible
29 for classification as an in-state student pursuant to this section.

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

38 C. The domicile of an unemancipated person is that of the person's
39 parent.

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

1 E. A person who is a member of the armed forces of the United
2 States and who is stationed in this state pursuant to military orders or
3 who is the spouse or a dependent child as defined in section 43-1001 of a
4 person who is a member of the armed forces of the United States and who is
5 stationed in this state pursuant to military orders is entitled to
6 classification as an in-state student. A spouse or a dependent child does
7 not lose in-state student classification under this subsection if the
8 spouse or dependent child qualifies for in-state tuition classification at
9 the time the spouse or dependent child is accepted for admission to a
10 community college under the jurisdiction of a community college district
11 governing board or a university under the jurisdiction of the Arizona
12 board of regents. The student, while in continuous attendance toward the
13 degree for which currently enrolled, does not lose in-state student
14 classification.

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

27 G. A person holding an honorable discharge from the uniformed
28 services of the United States from either active duty or reserve or
29 national guard status, or who has retired from active duty or reserve or
30 national guard status, shall be granted immediate classification as an
31 in-state student and, while continuously enrolled, does not lose in-state
32 student classification if the person has demonstrated objective evidence
33 of intent to be a resident of Arizona that, for the purposes of this
34 section, includes at least one of the following:

- 35 1. Registration to vote in this state.
- 36 2. An Arizona driver license.
- 37 3. Arizona motor vehicle registration.
- 38 4. Employment history in Arizona.
- 39 5. Transfer of major banking services to Arizona.
- 40 6. Change of permanent address on all pertinent records.
- 41 7. Other materials of whatever kind or source relevant to domicile
42 or residency status.

43 H. A person who meets any of the requirements prescribed in
44 subsection K of this section shall be granted immediate classification as
45 an in-state student and does not lose in-state student classification if

1 the person has demonstrated objective evidence of intent to be a resident
2 of this state that, for the purposes of this section, includes at least
3 one of the following:

- 4 1. Registration to vote in this state.
- 5 2. An Arizona driver license.
- 6 3. Arizona motor vehicle registration.
- 7 4. Employment history in Arizona.
- 8 5. Transfer of major banking services to Arizona.
- 9 6. Change of permanent address on all pertinent records.
- 10 7. Other materials of whatever kind or source relevant to domicile
11 or residency status.

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

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

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

23 1. The person is a veteran as defined in title 38 of the United
24 States Code who, while using educational assistance under 38 United States
25 Code chapter 30, ~~or~~ 31, 33 OR 35, enrolls in a university under the
26 jurisdiction of the Arizona board of regents or a community college under
27 the jurisdiction of a community college district governing board ~~within~~
28 ~~three years~~ after the veteran's discharge from active duty service of
29 ninety or more days ~~or who remains continuously enrolled beyond the~~
30 ~~three-year period following the discharge of the veteran.~~

31 2. The person does not meet the requirements prescribed in
32 paragraph 3 or 4 of this subsection and, while using educational
33 assistance under 38 United States Code chapter 30, ~~or~~ 31, 33 OR 35,
34 enrolls in a university under the jurisdiction of the Arizona board of
35 regents or a community college under the jurisdiction of a community
36 college district governing board ~~within three years~~ after the veteran's
37 discharge from active duty service of ninety or more days ~~or remains~~
38 ~~continuously enrolled beyond the three-year period following the discharge~~
39 ~~of the veteran.~~

40 3. The person, while using benefits under the Marine Gunnery
41 Sergeant John David Fry Scholarship prescribed in 38 United States Code
42 section 3311(b)(9), enrolls in a university under the jurisdiction of the
43 Arizona board of regents or a community college under the jurisdiction of
44 a community college district governing board.

1 4. The person, while using transferred Post/911 G.I. Bill benefits
2 pursuant to 38 United States Code section 3319 during a time in which the
3 transferor is a member of the uniformed services serving on active duty,
4 enrolls in a university under the jurisdiction of the Arizona board of
5 regents or a community college under the jurisdiction of a community
6 college district governing board.

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

9 Sec. 2. Emergency

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