

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 255

SENATE BILL 1196

AN ACT

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

(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 ~~which~~ 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
21 THE purposes of this paragraph, the person is eligible for classification as
22 an in-state student only for courses necessary to complete the requirements
23 for certification by the state board of education to teach in a school
24 district 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 ~~such~~ THE
37 person's parent.

38 D. Any unemancipated person who remains in this state when ~~such~~ 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 ~~such~~ THE person
42 maintains 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. The student, while in continuous attendance toward the
4 degree for which currently enrolled, does not lose in-state student
5 classification.

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

17 G. A person who is honorably discharged from the armed forces of the
18 United States shall be granted immediate classification as an in-state
19 student on honorable discharge from the armed forces and, while in continuous
20 attendance toward the degree for which currently enrolled, does not lose
21 in-state student classification if the person has met all of the following
22 requirements:

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

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

28 (a) An Arizona driver license.

29 (b) Arizona motor vehicle registration.

30 (c) Employment history in Arizona.

31 (d) Arizona voter registration.

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

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

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

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

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

APPROVED BY THE GOVERNOR MAY 4, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2005.

Passed the House April 18, 20 05,

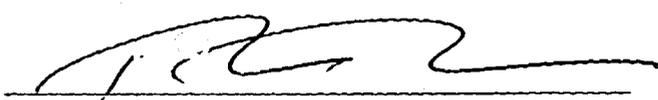
by the following vote: 56 Ayes,

0 Nays, 4 Not Voting

Passed the Senate February 17, 20 05,

by the following vote: 38 Ayes,

0 Nays, 0 Not Voting

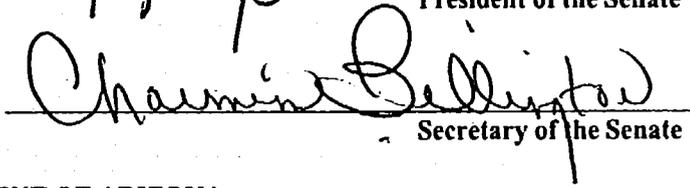


Speaker of the House
Pro Tempore


Chief Clerk of the House



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1196

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 28, 2005,

by the following vote: 29 Ayes,

1 Nays, 0 Not Voting

Klu Blumeth
President of the Senate
Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

28th day of April, 2005,

at 4:00 o'clock P. M.

Jennifer Ybarra
Secretary to the Governor

Approved this 4 day of

May, 2005,

at 2:55 o'clock P. M.

J. R. Reynolds
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 2005,

at 4:19 o'clock P. M.

Janice K. Brewer
Secretary of State