

State of Arizona
House of Representatives
Fifty-third Legislature
First Regular Session
2017

House Engrossed
FILED
MICHELE REAGAN
SECRETARY OF STATE

CHAPTER 157
HOUSE BILL 2415

AN ACT

AMENDING SECTION 15-1802, ARIZONA REVISED STATUTES; RELATING TO THE
CLASSIFICATION OF STUDENTS FOR TUITION PURPOSES.

(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
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 member of the
26 person's family is eligible for classification as an in-state student if
27 the person is eligible for classification as an in-state student pursuant
28 to this paragraph, unless the family member is otherwise eligible for
29 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,
21 spouse or dependent enrolls in a university under the jurisdiction of the
22 Arizona board of regents or a community college under the jurisdiction of
23 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, while using educational assistance under 38 United~~
44 ~~States Code chapter 30 or 33, enrolls in a university under the~~
45 ~~jurisdiction of the Arizona board of regents or a community college under~~

1 ~~the jurisdiction of a community college district governing board within~~
2 ~~three years after the veteran's discharge from active duty service of~~
3 ~~ninety or more days or within three years after the service member's death~~
4 ~~in the line of duty following a period of active duty service of ninety or~~
5 ~~more days or who remains continuously enrolled beyond the three-year~~
6 ~~period following the discharge of the veteran or the service member's~~
7 ~~death~~ MEETS ANY OF THE REQUIREMENTS PRESCRIBED IN SUBSECTION K OF THIS
8 SECTION shall be granted immediate classification as an in-state student
9 and does not lose in-state student classification if the person has
10 demonstrated objective evidence of intent to be a resident of this state
11 that, for the purposes of this section, includes at least one of the
12 following:

- 13 1. Registration to vote in this state.
- 14 2. An Arizona driver license.
- 15 3. Arizona motor vehicle registration.
- 16 4. Employment history in Arizona.
- 17 5. Transfer of major banking services to Arizona.
- 18 6. Change of permanent address on all pertinent records.
- 19 7. Other materials of whatever kind or source relevant to domicile
20 or residency status.

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

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

28 K. A PERSON WHO MEETS ANY OF THE FOLLOWING REQUIREMENTS IS ENTITLED
29 TO IMMEDIATE CLASSIFICATION AS AN IN-STATE STUDENT IF THAT PERSON HAS
30 DEMONSTRATED OBJECTIVE EVIDENCE OF INTENT TO BE A RESIDENT OF THIS STATE
31 AS PRESCRIBED IN SUBSECTION H OF THIS SECTION:

32 1. THE PERSON IS A VETERAN AS DEFINED IN TITLE 38 OF THE UNITED
33 STATES CODE WHO, WHILE USING EDUCATIONAL ASSISTANCE UNDER 38 UNITED STATES
34 CODE CHAPTER 30 OR 33, ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF
35 THE ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION
36 OF A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD WITHIN THREE YEARS AFTER
37 THE VETERAN'S DISCHARGE FROM ACTIVE DUTY SERVICE OF NINETY OR MORE DAYS OR
38 WHO REMAINS CONTINUOUSLY ENROLLED BEYOND THE THREE-YEAR PERIOD FOLLOWING
39 THE DISCHARGE OF THE VETERAN.

40 2. THE PERSON DOES NOT MEET THE REQUIREMENTS PRESCRIBED IN
41 PARAGRAPH 3 OR 4 OF THIS SUBSECTION AND, WHILE USING EDUCATIONAL
42 ASSISTANCE UNDER 38 UNITED STATES CODE CHAPTER 30 OR 33, ENROLLS IN A
43 UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR A
44 COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT
45 GOVERNING BOARD WITHIN THREE YEARS AFTER THE VETERAN'S DISCHARGE FROM

1 ACTIVE DUTY SERVICE OF NINETY OR MORE DAYS OR REMAINS CONTINUOUSLY
2 ENROLLED BEYOND THE THREE YEAR PERIOD FOLLOWING THE DISCHARGE OF THE
3 VETERAN.

4 3. THE PERSON, WHILE USING BENEFITS UNDER THE MARINE GUNNERY
5 SARGENT JOHN DAVID FRY SCHOLARSHIP PRESCRIBED IN 38 UNITED STATES CODE
6 SECTION 3311(b)(9), ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF THE
7 ARIZONA BOARD OF REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF
8 A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD.

9 4. THE PERSON, WHILE USING TRANSFERRED POST-911 G.I. BILL BENEFITS
10 PURSUANT TO 38 UNITED STATES CODE SECTION 3319 DURING A TIME IN WHICH THE
11 TRANSFEROR IS A MEMBER OF THE UNIFORMED SERVICES SERVING ON ACTIVE DUTY,
12 ENROLLS IN A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF
13 REGENTS OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY
14 COLLEGE DISTRICT GOVERNING BOARD.

15 5. THE PERSON IS OTHERWISE DESCRIBED IN 38 UNITED STATES CODE
16 SECTION 3679(c).

17 Sec. 2. Emergency

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

APPROVED BY THE GOVERNOR APRIL 17, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2017.

Passed the House February 21, 20 17

by the following vote: 58 Ayes,

0 Nays, 2 Not Voting

W/ emergency
[Signature]
Speaker of the House

Pro Tempore

Jim Drake
Chief Clerk of the House

Passed the Senate April 11, 20 17

by the following vote: 30 Ayes,

with Emergency
0 Nays, 0 Not Voting

[Signature]
President of the Senate

Susan Peores
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

12th day of April, 20 17

at 8:40 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 17th day of

April, 2017

at 11:01 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17 day of April, 20 17

at 3:31 o'clock P M.

[Signature]
Secretary of State

H.B. 2415