

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2223

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 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 the
21 purposes of this paragraph, the person is eligible for classification as an
22 in-state student only for courses necessary to complete the requirements for
23 certification by the state board of education to teach in a school district
24 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

1 entitled to claim the student as an exemption for state and federal tax
2 purposes or the person's spouse was temporarily out of state for educational
3 purposes, but maintained a domicile in this state. If the person is a
4 noncitizen, the person must be in an eligible visa status pursuant to federal
5 law to classify as an in-state student for tuition purposes.

6 C. The domicile of an unemancipated person is that of the person's
7 parent.

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

13 E. A person who is a member of the armed forces of the United States
14 and who is stationed in this state pursuant to military orders or who is the
15 spouse or a CHILD WHO IS A dependent ~~child~~ as defined in section 43-1001 of a
16 person who is a member of the armed forces of the United States and who is
17 stationed in this state pursuant to military orders is entitled to IMMEDIATE
18 classification as an in-state student. A spouse or a CHILD WHO IS A
19 dependent ~~child~~ does not lose in-state student classification under this
20 subsection if the spouse or CHILD WHO IS A dependent ~~child~~ qualifies for
21 in-state tuition classification at the time the spouse or CHILD WHO IS A
22 dependent ~~child~~ is accepted for admission to a community college under the
23 jurisdiction of a community college district governing board or a university
24 under the jurisdiction of the Arizona board of regents. The student, while
25 in continuous attendance toward the degree for which currently enrolled, does
26 not lose in-state student classification.

27 F. A person who is a member of the armed forces of the United States
28 or the spouse or a dependent as defined in section 43-1001 of a member of the
29 armed forces of the United States is entitled to classification as an
30 in-state student if the member of the armed forces has claimed this state as
31 the person's state of legal residence for at least twelve consecutive months
32 before the member of the armed forces, spouse or dependent enrolls in a
33 university under the jurisdiction of the Arizona board of regents or a
34 community college under the jurisdiction of a community college district
35 governing board. For the purposes of this subsection, the requirement that a

1 person be domiciled in this state for one year before enrollment to qualify
2 for in-state student classification does not apply.

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

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

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

14 (a) An Arizona driver license.

15 (b) Arizona motor vehicle registration.

16 (c) Employment history in Arizona.

17 (d) Arizona voter registration.

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

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

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

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

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

28 Sec. 2. Title 15, chapter 14, article 1, Arizona Revised Statutes, is
29 amended by adding section 15-1809, to read:

30 15-1809. Members and former members of the armed forces;
31 transfer of educational benefits; definitions

32 A. TO THE EXTENT PERMITTED BY FEDERAL LAW, ANY ACTIVE MEMBER OF THE
33 ARMED FORCES OF THE UNITED STATES OR ANY DISCHARGED VETERAN OF ANY BRANCH OF
34 THE ARMED FORCES OF THE UNITED STATES WHO IS ENTITLED TO ANY EDUCATIONAL

1 BENEFIT PURSUANT TO THIS CHAPTER MAY TRANSFER THAT EDUCATIONAL BENEFIT TO
2 THAT PERSON'S SPOUSE OR CHILD IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

3 1. THE ARIZONA BOARD OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT
4 RECEIVES WRITTEN DOCUMENTATION THAT THE ACTIVE MEMBER OF THE ARMED FORCES OR
5 THE DISCHARGED VETERAN DOES NOT INTEND TO USE OR IS UNABLE TO USE THE
6 EDUCATIONAL BENEFIT.

7 2. IF THE ACTIVE MEMBER OF THE ARMED FORCES OR THE DISCHARGED VETERAN
8 HAS THE CAPACITY TO CONSENT, PROOF IS PROVIDED TO THE ARIZONA BOARD OF
9 REGENTS OR THE COMMUNITY COLLEGE DISTRICT OF THE ACTIVE MEMBER'S OR THE
10 DISCHARGED VETERAN'S CONSENT TO THE USE OF THE EDUCATIONAL BENEFIT BY THAT
11 PERSON'S SPOUSE OR CHILD.

12 3. IF THE ACTIVE MEMBER OF THE ARMED FORCES OR THE DISCHARGED VETERAN
13 DOES NOT HAVE THE CAPACITY TO CONSENT, PROOF IS PROVIDED TO THE ARIZONA BOARD
14 OF REGENTS OR THE COMMUNITY COLLEGE DISTRICT OF THE ACTIVE MEMBER'S OR
15 DISCHARGED VETERAN'S INCAPACITY TO CONSENT, THIS DOCUMENTATION IS SUFFICIENT
16 TO ALLOW THE TRANSFER OF THE EDUCATIONAL BENEFIT TO THE SPOUSE OR CHILD.

17 B. TO THE EXTENT PERMITTED BY FEDERAL LAW IF THE PROPOSED TRANSFEREE
18 IS A WIDOW OR WIDOWER OF AN ARMED FORCES MEMBER WHO WAS KILLED IN COMBAT, AND
19 HAS NOT REMARRIED, THE WIDOW OR WIDOWER IS ENTITLED TO ANY EDUCATIONAL
20 BENEFIT PURSUANT TO THIS CHAPTER.

21 C. FOR THE PURPOSES OF THIS SECTION:

22 1. "ACTIVE MEMBER OF THE ARMED FORCES" MEANS A PERSON WHO IS ON ACTIVE
23 DUTY IN ANY BRANCH OF THE MILITARY ESTABLISHMENT OF THE UNITED STATES,
24 INCLUDING MEMBERS OF THE ARIZONA NATIONAL GUARD AND MEMBERS OF MILITARY
25 RESERVE UNITS OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES.

26 2. "DISCHARGED VETERAN" MEANS A PERSON WHO HAS RECEIVED A DISCHARGE
27 OTHER THAN DISHONORABLE FROM ANY BRANCH OF THE ARMED FORCES OF THE UNITED
28 STATES, INCLUDING FORMER MEMBERS OF THE ARIZONA NATIONAL GUARD OR MILITARY
29 RESERVE UNITS OF ANY BRANCH OF THE ARMED FORCES OF THE UNITED STATES."

30 Amend title to conform

JENNIFER J. BURNS

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