

REFERENCE TITLE: **tuition; postsecondary education**

State of Arizona  
Senate  
Fifty-fifth Legislature  
First Regular Session  
2021

## **SCR 1044**

Introduced by  
Senators Boyer: Bowie, Shope; Representative Udall

**A CONCURRENT RESOLUTION**

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO THE CLASSIFICATION OF STUDENTS FOR TUITION PURPOSES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to the classification of students for  
5 tuition purposes, is enacted to become valid as a law if approved by the  
6 voters and on proclamation of the Governor:

7 AN ACT

8 AMENDING SECTIONS 1-502 AND 15-1803, ARIZONA REVISED STATUTES;  
9 REPEALING SECTION 15-1825, ARIZONA REVISED STATUTES; RELATING  
10 TO THE CLASSIFICATION OF STUDENTS FOR TUITION PURPOSES.

11 Be it enacted by the Legislature of the State of  
12 Arizona:

13 Section 1. Section 1-502, Arizona Revised Statutes, is  
14 amended to read:

15 1-502. Eligibility for state or local public benefits;  
16 documentation; violations; classification;  
17 citizen suits; court costs and attorney fees;  
18 definition

19 A. Notwithstanding any other state law and to the  
20 extent ~~permitted~~ ALLOWED by federal law, any agency of this  
21 state or a political subdivision of this state that  
22 administers any state or local public benefit shall require  
23 each natural person who applies for the state or local public  
24 benefit to submit at least one of the following documents to  
25 the entity that administers the state or local public benefit  
26 demonstrating lawful presence in the United States:

27 1. An Arizona driver license issued after 1996 or an  
28 Arizona nonoperating identification license.

29 2. A birth certificate or delayed birth certificate  
30 issued in any state, territory or possession of the United  
31 States.

32 3. A United States certificate of birth abroad.

33 4. A United States passport.

34 5. A foreign passport with a United States visa.

35 6. An I-94 form with a photograph.

36 7. A United States citizenship and immigration services  
37 employment authorization document or refugee travel document.

38 8. A United States certificate of naturalization.

39 9. A United States certificate of citizenship.

40 10. A tribal certificate of Indian blood.

41 11. A tribal or bureau of Indian affairs affidavit of  
42 birth.

1           B. For the purposes of administering the Arizona health  
2 care cost containment system, documentation of citizenship and  
3 legal residence shall conform with the requirements of title  
4 XIX of the social security act.

5           C. To the extent ~~permitted~~ ALLOWED by federal law, an  
6 agency of this state or political subdivision of this state  
7 may allow tribal members, the elderly and persons with  
8 disabilities or incapacity of the mind or body to provide  
9 documentation as specified in section 6036 of the federal  
10 deficit reduction act of 2005 (P.L. 109-171; 120 Stat. 81) and  
11 related federal guidance in lieu of the documentation required  
12 by this section.

13           D. Any person who applies for state or local public  
14 benefits shall sign a sworn affidavit stating that the  
15 documents presented pursuant to subsection A of this section  
16 are true under penalty of perjury.

17           E. Failure to report discovered violations of federal  
18 immigration law by an employee of an agency of this state or a  
19 political subdivision of this state that administers any state  
20 or local public benefit is a class 2 misdemeanor. If that  
21 employee's supervisor knew of the failure to report and failed  
22 to direct the employee to make the report, the supervisor is  
23 guilty of a class 2 misdemeanor.

24           F. This section shall be enforced without regard to  
25 race, color, religion, sex, age, disability or national  
26 origin.

27           G. Any person who is a resident of this state has  
28 standing in any court of record to bring suit against any  
29 agent or agency of this state or its political subdivisions to  
30 remedy any violation of any provision of this section,  
31 including an action for mandamus. Courts shall give  
32 preference to actions brought under this section over other  
33 civil actions or proceedings pending in the court.

34           H. The court may award court costs and reasonable  
35 attorney fees to any person or any official or agency of this  
36 state or a county, city, town or other political subdivision  
37 of this state that prevails by an adjudication on the merits  
38 in a proceeding brought pursuant to this section.

39           I. For the purposes of this section, "state or local  
40 public benefit" has the same meaning prescribed in 8 United  
41 States Code section 1621, except that it does not include  
42 commercial or professional licenses, POSTSECONDARY EDUCATION,  
43 benefits provided by the public retirement systems and plans  
44 of this state or services widely available to the general  
45 population as a whole.

