

REFERENCE TITLE: immigration; omnibus

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SCR 1039**

Introduced by  
Senators Bee, Bennett, Blendu, Burns, Gould, Huppenthal, Johnson, Leff,  
Martin: Flake, Tibshraeny (with permission of committee on Rules)

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
IMMIGRATION.

(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 immigration, is enacted to become valid as  
5 a law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY  
8 ADDING ARTICLE 8; AMENDING TITLE 12, CHAPTER 6, ARTICLE 12,  
9 ARIZONA REVISED STATUTES, BY ADDING SECTION 12-717; AMENDING  
10 SECTION 12-820.02, ARIZONA REVISED STATUTES; AMENDING TITLE 13,  
11 CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-124;  
12 AMENDING TITLE 13, CHAPTER 15, ARIZONA REVISED STATUTES, BY  
13 ADDING SECTION 13-1509; AMENDING SECTIONS 13-2002, 15-191.01,  
14 15-232 AND 15-1803, ARIZONA REVISED STATUTES; AMENDING TITLE 15,  
15 CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
16 SECTION 15-1825; AMENDING SECTION 26-172, ARIZONA REVISED  
17 STATUTES; AMENDING TITLE 26, CHAPTER 2, ARIZONA REVISED  
18 STATUTES, BY ADDING ARTICLE 4; AMENDING TITLE 41, CHAPTER 7,  
19 ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION  
20 41-1292.01; CHANGING THE DESIGNATION OF TITLE 41, CHAPTER 12,  
21 ARTICLE 1, ARIZONA REVISED STATUTES, TO "GENERAL PROVISIONS";  
22 AMENDING TITLE 41, CHAPTER 12, ARTICLE 1, ARIZONA REVISED  
23 STATUTES, BY ADDING SECTION 41-1702; AMENDING TITLE 41, ARIZONA  
24 REVISED STATUTES, BY ADDING CHAPTER 20; AMENDING TITLE 41,  
25 CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING  
26 SECTION 41-3016.01; AMENDING TITLE 41, ARIZONA REVISED STATUTES,  
27 BY ADDING CHAPTER 41; AMENDING SECTIONS 46-801 AND 46-803,  
28 ARIZONA REVISED STATUTES; PROVIDING FOR THE DELAYED REPEAL OF  
29 SECTION 41-1292.01, ARIZONA REVISED STATUTES, AS ADDED BY THIS  
30 ACT; MAKING APPROPRIATIONS; RELATING TO IMMIGRATION.

31 Be it enacted by the Legislature of the State of Arizona:

32 Section 1. Title 11, chapter 7, Arizona Revised Statutes,  
33 is amended by adding article 8, to read:

34 ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

35 11-1051. Cooperation and assistance in enforcement of  
36 immigration laws

37 A. ALL OFFICIALS, AGENCIES AND PERSONNEL OF COUNTIES,  
38 CITIES AND TOWNS SHALL FULLY COMPLY WITH AND, TO THE FULL EXTENT  
39 PERMITTED BY LAW, SUPPORT THE ENFORCEMENT OF FEDERAL IMMIGRATION  
40 LAWS OF THE UNITED STATES.

41 B. EXCEPT AS PROVIDED IN FEDERAL LAW, NO OFFICIAL,  
42 PERSONNEL OR AGENT OF COUNTIES, CITIES AND TOWNS MAY BE  
43 PROHIBITED OR IN ANY WAY RESTRICTED FROM SENDING, RECEIVING OR  
44 MAINTAINING INFORMATION RELATING TO THE IMMIGRATION STATUS,  
45 LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL OR EXCHANGING THAT

1 INFORMATION WITH ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL  
2 ENTITY FOR THE FOLLOWING OFFICIAL PURPOSES:

3 1. DETERMINATION OF ELIGIBILITY FOR ANY FEDERAL, STATE OR  
4 LOCAL PUBLIC BENEFIT, SERVICE OR LICENSE THAT IS RESTRICTED IN  
5 WHOLE OR IN PART ON THE BASIS OF IMMIGRATION STATUS.

6 2. VERIFICATION OF ANY CLAIM OF LEGAL DOMICILE IF LEGAL  
7 DOMICILE IS REQUIRED BY LAW OR CONTRACT.

8 3. CONFIRMATION OF THE IDENTITY OF ANY PERSON WHO IS  
9 DETAINED AND WHO CLAIMS NOT TO BE A CITIZEN OF THE UNITED  
10 STATES.

11 C. COUNTY SHERIFFS AND POLICE DEPARTMENTS OF CITIES AND  
12 TOWNS SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE  
13 UNITED STATES DEPARTMENT OF JUSTICE OR THE UNITED STATES  
14 DEPARTMENT OF HOMELAND SECURITY TO DESIGNATE OFFICERS AS  
15 IMMIGRATION OFFICERS QUALIFIED TO INVESTIGATE, APPREHEND AND  
16 DETAIN ILLEGAL ALIENS IN THE UNITED STATES TO THE FULLEST EXTENT  
17 CONSISTENT WITH STATE AND FEDERAL LAW. COUNTY SHERIFFS AND  
18 POLICE DEPARTMENTS OF CITIES AND TOWNS MAY REQUEST ASSISTANCE  
19 FROM THE IMMIGRATION OMBUDSMAN-CITIZENS AIDE IN COMPLETING AND  
20 ENTERING INTO A MEMORANDUM OF UNDERSTANDING UNDER THIS  
21 SUBSECTION.

22 D. COUNTY SHERIFFS AND POLICE DEPARTMENTS OF CITIES AND  
23 TOWNS SHALL IMPLEMENT A PROGRAM TO TRAIN PEACE OFFICERS TO  
24 INVESTIGATE VIOLATIONS OF FEDERAL IMMIGRATION LAWS. UPON  
25 REQUEST BY A COUNTY SHERIFF OR POLICE DEPARTMENT OF A CITY OR  
26 TOWN, THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD  
27 SHALL PROVIDE ASSISTANCE TO IMPLEMENT A TRAINING PROGRAM.

28 E. THE REQUIREMENTS AND OBLIGATIONS OF THIS SECTION SHALL  
29 BE IMPLEMENTED IN A MANNER FULLY CONSISTENT WITH FEDERAL LAW  
30 REGULATING IMMIGRATION AND PROTECTING THE CIVIL RIGHTS OF  
31 CITIZENS AND ALIENS.

32 Sec. 2. Title 12, chapter 6, article 12, Arizona Revised  
33 Statutes, is amended by adding section 12-717, to read:

34 12-717. Actions by illegal aliens prohibited

35 NOTWITHSTANDING ANY LAW TO THE CONTRARY, A PERSON WHO IS  
36 PRESENT IN THIS STATE IN VIOLATION OF 8 UNITED STATES CODE  
37 SECTION 1325 SHALL NOT BE AWARDED PUNITIVE DAMAGES IN ANY ACTION  
38 IN ANY COURT IN THIS STATE.

39 Sec. 3. Section 12-820.02, Arizona Revised Statutes, is  
40 amended to read:

41 12-820.02. Qualified immunity

42 A. Unless a public employee acting within the scope of  
43 the public employee's employment intended to cause injury or was  
44 grossly negligent, neither a public entity nor a public employee  
45 is liable for:

- 1           1. The failure to make an arrest or the failure to retain  
2 an arrested person in custody.
- 3           2. An injury caused by an escaping or escaped prisoner or  
4 a youth committed to the department of juvenile corrections.
- 5           3. An injury resulting from the probation, community  
6 supervision or discharge of a prisoner or a youth committed to  
7 the department of juvenile corrections, from the terms and  
8 conditions of the prisoner's or youth's probation or community  
9 supervision or from the revocation of the prisoner's or youth's  
10 probation, community supervision or conditional release under  
11 the psychiatric security review board.
- 12           4. An injury caused by a prisoner to any other prisoner  
13 or an injury caused by a youth committed to the department of  
14 juvenile corrections to any other committed youth.
- 15           5. The issuance of or failure to revoke or suspend any  
16 permit, license, certificate, approval, order or similar  
17 authorization for which absolute immunity is not provided  
18 pursuant to section 12-820.01.
- 19           6. The failure to discover violations of any provision of  
20 law when inspections are done of property other than property  
21 owned by the public entity in question.
- 22           7. An injury to the driver of a motor vehicle that is  
23 attributable to the violation by the driver of section 28-693,  
24 28-1381 or 28-1382.
- 25           8. The failure to prevent the sale or transfer of a  
26 handgun to a person whose receipt or possession of the handgun  
27 is unlawful under any federal law or any law of this state.
- 28           9. Preventing the sale or transfer of a handgun to a  
29 person who may lawfully receive or possess a handgun.
- 30           10. The failure to detain a juvenile taken into temporary  
31 custody or arrested for a criminal offense or delinquent or  
32 incorrigible act in the appropriate detention facility, jail or  
33 lockup described in section 8-305.
- 34           11. **QUESTIONING A PERSON'S IMMIGRATION STATUS PURSUANT TO**  
35 **SECTION 13-124.**
- 36           B. The qualified immunity provided in this section  
37 applies to a public entity or public employee if the injury or  
38 damage was caused by a contractor's employee or a contractor of  
39 a public entity acting within the scope of the contract. The  
40 qualified immunity provided in this section does not apply to  
41 the contractor or the contractor's employee.



1           2. THAT IS TWICE THE AMOUNT SPECIFIED IN PARAGRAPH 1 OF  
2 THIS SUBSECTION IF THE PERSON WAS PREVIOUSLY SUBJECT TO A CIVIL  
3 PENALTY PURSUANT TO THIS SUBSECTION.

4           F. A COURT SHALL COLLECT THE CIVIL PENALTY PRESCRIBED IN  
5 SUBSECTION E OF THIS SECTION AND REMIT THE CIVIL PENALTY TO THE  
6 SUPREME COURT, WHICH SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146  
7 AND 35-147, THE CIVIL PENALTY IN THE BORDER SECURITY FUND  
8 ESTABLISHED BY SECTION 41-2351.

9           G. NOTWITHSTANDING SUBSECTION D OF THIS SECTION, IF THE  
10 PERSON VIOLATES THIS SECTION WHILE IN POSSESSION OF ANY OF THE  
11 FOLLOWING, THE VIOLATION IS A CLASS 2 FELONY:

12           1. A DANGEROUS DRUG AS DEFINED IN SECTION 13-3401.

13           2. PRECURSOR CHEMICALS THAT ARE USED IN THE MANUFACTURING  
14 OF METHAMPHETAMINE IN VIOLATION OF SECTION 13-3404.01.

15           3. A DEADLY WEAPON AS DEFINED IN SECTION 13-3101 OR A  
16 DANGEROUS INSTRUMENT AS DEFINED IN SECTION 13-105.

17           4. PROPERTY THAT IS USED FOR THE PURPOSE OF COMMITTING AN  
18 ACT OF TERRORISM AS PRESCRIBED IN SECTION 13-2308.01.

19           Sec. 6. Section 13-2002, Arizona Revised Statutes, is  
20 amended to read:

21           13-2002. Forgery; classification

22           A. A person commits forgery if, with intent to defraud,  
23 the person:

24           1. Falsely makes, completes or alters a written  
25 instrument; or

26           2. Knowingly possesses a forged instrument; or

27           3. Offers or presents, whether accepted or not, a forged  
28 instrument or one that contains false information; OR ~~—~~

29           4. FALSELY MAKES OR ALTERS A WRITTEN INSTRUMENT THAT  
30 PURPORTS TO BE A DOCUMENT THAT FULFILLS THE REQUIREMENTS FOR  
31 ESTABLISHING IDENTITY, OR ELIGIBILITY TO WORK IN THE UNITED  
32 STATES PURSUANT TO THE FEDERAL IMMIGRATION REFORM AND CONTROL  
33 ACT OF 1986, AND THAT IS USED TO OBTAIN EMPLOYMENT IN THIS STATE  
34 BY A PERSON WHO IS NOT AUTHORIZED TO WORK IN THE UNITED STATES.

35           B. The possession of five or more forged instruments may  
36 give rise to an inference that the instruments are possessed  
37 with an intent to defraud.

38           C. IF THE COURT ORDERS RESTITUTION FOR A VIOLATION OF  
39 SUBSECTION A, PARAGRAPH 4, THE RESTITUTION ORDER SHALL INCLUDE  
40 DAMAGES INCURRED BY ANY EMPLOYER WHO RELIED ON A FORGED  
41 INSTRUMENT IN HIRING OR EMPLOYING A PERSON WHO WAS NOT  
42 AUTHORIZED TO WORK IN THE UNITED STATES, INCLUDING THE  
43 EMPLOYER'S COSTS, ATTORNEY FEES AND EXPENSES.



1 minimum the educational needs of the adult population, the  
2 incidence of unemployment in the county, district or local  
3 targeted school service area, the degree to which community  
4 collaboration and partnership demonstrate the ability to bring  
5 additional resources to the program and the readiness and  
6 likelihood of the proposing organizations to establish a  
7 successful family literacy project.

8 F. Each project team shall include representatives from  
9 each of the following:

10 1. One or more local school districts or the county  
11 school superintendent's office.

12 2. An adult education provider funded by the division of  
13 adult education or a provider that complies with the policies,  
14 academic standards, performance outcomes, assessment and data  
15 collection requirements of adult education as prescribed by the  
16 division of adult education.

17 3. A private or public early childhood education  
18 provider.

19 4. Any other social service, governmental or private  
20 agency that may provide assistance for the planning and  
21 operation of the project.

22 G. In addition to the grants prescribed in subsection H,  
23 the state board of education shall authorize two grants to  
24 existing literacy programs in this state that can offer training  
25 and serve as models and training resources for the establishment  
26 and expansion of other programs throughout this state. Existing  
27 literacy programs shall submit a grant application to the state  
28 board of education in the same manner as prescribed in  
29 subsection K.

30 H. The state board of education shall authorize  
31 additional grants through the division of early childhood  
32 education programs in areas of educational and economic need.

33 I. Selected projects shall use either:

34 1. A nationally recognized family literacy model such as  
35 models developed by the national center for family literacy or  
36 its successor.

37 2. A model that, in the determination of the project team  
38 and the state board of education, is superior to a nationally  
39 recognized family literacy model.

40 J. Eligible parents shall be instructed in adult basic  
41 education and general educational development. Preschool  
42 children shall receive instruction in developmentally  
43 appropriate early childhood programs. Other planned, structured  
44 activities involving parents and children in learning activities  
45 may be established as a part of the curriculum.

1 K. Each grant application shall include a plan to address  
2 at least the following:

3 1. Identification and recruitment of eligible parents and  
4 children.

5 2. Screening and preparation of parents and children for  
6 participation in the family literacy program.

7 3. Instructional programs and assessment practices that  
8 promote academic and literacy skills and that equip parents to  
9 provide needed support for the educational growth and success of  
10 their children.

11 4. A determination that at least ten but no more than  
12 twenty parents with children will be eligible for and be  
13 enrolled in the family literacy program at all times, or that  
14 the family literacy programs shall document efforts to  
15 continually recruit eligible families.

16 5. Provision of child care through either private or  
17 public providers.

18 6. A transportation plan for participants.

19 7. An organizational partnership involving at a minimum a  
20 common school, a private or publicly funded preschool provider  
21 and an adult education program funded by the department of  
22 education or by an outside funding source.

23 L. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,  
24 RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

25 M. THE STATE BOARD OF EDUCATION SHALL REPORT ON DECEMBER  
26 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET  
27 COMMITTEE THE TOTAL NUMBER OF PARENTS WHO APPLIED TO PARTICIPATE  
28 IN A PROGRAM UNDER THIS ARTICLE AND THE TOTAL NUMBER OF PARENTS  
29 WHO WERE NOT ELIGIBLE UNDER THIS ARTICLE BECAUSE THE PARENT WAS  
30 NOT AN ELIGIBLE PARENT AS DEFINED IN SECTION 15-191, PARAGRAPH  
31 1, SUBDIVISION (c).

32 Sec. 8. Section 15-232, Arizona Revised Statutes, is  
33 amended to read:

34 15-232. Division of adult education; duties

35 A. There is established a division of adult education  
36 within the department of education, under the jurisdiction of  
37 the state board ~~for vocational and technological~~ OF education,  
38 which shall:

39 1. Prescribe a course of study for adult education in  
40 school districts.

41 2. Make available and supervise the program of adult  
42 education in other institutions and agencies of this state.

43 3. Adopt rules for the establishment and conduct of  
44 classes for immigrant and adult education, including the  
45 teaching of English to foreigners, in school districts.

1           4. Devise plans for establishment and maintenance of  
2 classes for immigrant and adult education, including the  
3 teaching of English to foreigners, stimulate and correlate the  
4 Americanization work of various agencies, including  
5 governmental, and perform such other duties as may be prescribed  
6 by the state board of education and the superintendent of public  
7 instruction.

8           5. Prescribe a course of study to provide training for  
9 adults to continue their basic education to the degree of  
10 passing a general equivalency diploma test or an equivalency  
11 test approved by the state board of education.

12           B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE CLASSES  
13 UNDER THIS SECTION ONLY TO ADULTS WHO ARE CITIZENS OR LEGAL  
14 RESIDENTS OF THE UNITED STATES OR ARE OTHERWISE LAWFULLY PRESENT  
15 IN THE UNITED STATES. THIS SUBSECTION SHALL BE ENFORCED WITHOUT  
16 REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

17           C. THE DEPARTMENT OF EDUCATION SHALL REPORT ON DECEMBER  
18 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET  
19 COMMITTEE THE TOTAL NUMBER OF ADULTS WHO APPLIED FOR INSTRUCTION  
20 AND THE TOTAL NUMBER OF ADULTS WHO WERE DENIED INSTRUCTION UNDER  
21 THIS SECTION BECAUSE THE APPLICANT WAS NOT A CITIZEN OR LEGAL  
22 RESIDENT OF THE UNITED STATES OR WAS NOT OTHERWISE LAWFULLY  
23 PRESENT IN THE UNITED STATES.

24           Sec. 9. Section 15-1803, Arizona Revised Statutes, is  
25 amended to read:

26           15-1803. Alien in-state student status

27           A. An alien is entitled to classification as an in-state  
28 refugee student if such person has been granted refugee status  
29 in accordance with all applicable laws of the United States and  
30 has met all other requirements for domicile.

31           B. IN ACCORDANCE WITH THE ILLEGAL IMMIGRATION REFORM AND  
32 IMMIGRANT RESPONSIBILITY ACT OF 1996 (P.L. 104-208; 110 STAT.  
33 3009), A PERSON WHO IS NOT A CITIZEN OR LEGAL RESIDENT OF THE  
34 UNITED STATES OR WHO IS WITHOUT LAWFUL IMMIGRATION STATUS IS NOT  
35 ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO  
36 SECTION 15-1802 OR ENTITLED TO CLASSIFICATION AS A COUNTY  
37 RESIDENT PURSUANT TO SECTION 15-1802.01.

38           C. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT ON  
39 DECEMBER 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE  
40 BUDGET COMMITTEE THE TOTAL NUMBER OF STUDENTS WHO WERE ENTITLED  
41 TO CLASSIFICATION AS AN IN-STATE STUDENT AND THE TOTAL NUMBER OF  
42 STUDENTS WHO WERE NOT ENTITLED TO CLASSIFICATION AS AN IN-STATE  
43 STUDENT UNDER THIS SECTION BECAUSE THE STUDENT WAS NOT A CITIZEN  
44 OR LEGAL RESIDENT OF THE UNITED STATES OR IS WITHOUT LAWFUL  
45 IMMIGRATION STATUS.

1           Sec. 10. Title 15, chapter 14, article 2, Arizona Revised  
2 Statutes, is amended by adding section 15-1825, to read:

3           15-1825. Prohibited financial assistance; report

4           A. A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES,  
5 WHO IS WITHOUT LAWFUL IMMIGRATION STATUS AND WHO IS ENROLLED AS  
6 A STUDENT AT ANY UNIVERSITY UNDER THE JURISDICTION OF THE  
7 ARIZONA BOARD OF REGENTS OR AT ANY COMMUNITY COLLEGE UNDER THE  
8 JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN THIS STATE IS  
9 NOT ENTITLED TO TUITION WAIVERS, FEE WAIVERS, GRANTS,  
10 SCHOLARSHIP ASSISTANCE, FINANCIAL AID, TUITION ASSISTANCE OR ANY  
11 OTHER TYPE OF FINANCIAL ASSISTANCE THAT IS SUBSIDIZED OR PAID IN  
12 WHOLE OR IN PART WITH STATE MONIES.

13           B. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT ON  
14 DECEMBER 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE  
15 BUDGET COMMITTEE THE TOTAL NUMBER OF STUDENTS WHO APPLIED AND  
16 THE TOTAL NUMBER OF STUDENTS WHO WERE NOT ENTITLED TO TUITION  
17 WAIVERS, FEE WAIVERS, GRANTS, SCHOLARSHIP ASSISTANCE, FINANCIAL  
18 AID, TUITION ASSISTANCE OR ANY OTHER TYPE OF FINANCIAL  
19 ASSISTANCE THAT IS SUBSIDIZED OR PAID IN WHOLE OR IN PART WITH  
20 STATE MONIES UNDER THIS SECTION BECAUSE THE STUDENT WAS NOT A  
21 CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES OR NOT LAWFULLY  
22 PRESENT IN THE UNITED STATES.

23           C. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,  
24 RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

25           Sec. 11. Section 26-172, Arizona Revised Statutes, is  
26 amended to read:

27           26-172. Emergency mobilization: requests by  
28 municipalities for aid of national guard:  
29 mobilization into United States service

30           A. When the governor proclaims an emergency, or deems it  
31 necessary to protect lives or property, the governor may  
32 mobilize all or any part of the national guard or the  
33 unorganized militia into service of the state. The order  
34 directing the national guard or the unorganized militia, or any  
35 part thereof, to report for active duty shall state the purpose  
36 for which it is mobilized and the objectives to be accomplished.

37           IF THE GOVERNOR DECLARES THAT A STATE OF EMERGENCY EXISTS FOR  
38 THE PROTECTION OF THE LIVES OR PROPERTY OF CITIZENS OF THIS  
39 STATE RESULTING FROM AN INCREASE IN UNAUTHORIZED BORDER  
40 CROSSINGS AND THE RELATED INCREASE IN DEATHS, CRIME OR PROPERTY  
41 DAMAGE, THE GOVERNOR MAY MOBILIZE THE NATIONAL GUARD TO ADDRESS  
42 THE EMERGENCY BY ACTIVELY PERFORMING ONLY DUTIES DIRECTLY  
43 RELATED TO BORDER SECURITY.

44           B. The adjutant general shall issue orders for  
45 mobilization, appoint troop commanders and act as chief of staff

1 to the governor. The adjutant general ~~shall~~, with consent of  
2 the governor and in the name of the adjutant general, **SHALL**  
3 issue orders designating local commanders, giving tactical and  
4 administrative instructions, and defining the objectives of each  
5 mobilized unit.

6 C. The civil authorities of a county or municipality  
7 requiring aid of the national guard to quell any riot,  
8 insurrection or other civil disturbance shall submit to the  
9 governor a written request for aid, setting forth the particular  
10 object to be accomplished and the area affected. Upon receipt  
11 of the request the governor may by proclamation mobilize all or  
12 any part of the national guard or the unorganized militia, and  
13 the governor shall designate the adjutant general or an officer  
14 of the national guard to take command of the troops mobilized  
15 and to designate the troops to be used.

16 D. To request assistance of the national guard, or the  
17 unorganized militia, or any part thereof in a search or rescue  
18 operation involving the life or health of any person, the  
19 sheriff or other officer of a political subdivision who is  
20 conducting the search or rescue operation shall by the most  
21 rapid and suitable means of communication available convey the  
22 need to the state director of emergency management for  
23 transmittal to the governor. If the governor grants the request  
24 the sheriff or other officer ~~shall~~, within two days, **SHALL**  
25 transmit a written confirmation of the request to the governor.

26 E. If the president of the United States directs  
27 mobilization of the national guard into the armed forces of the  
28 United States, the adjutant general shall effect the  
29 mobilization speedily and in the manner prescribed. Upon  
30 mobilization into the armed forces of the United States, the  
31 national guard shall pass to federal control and shall not be  
32 subject to military laws of the state until the time it reverts  
33 to control of the state.

34 Sec. 12. Title 26, chapter 2, Arizona Revised Statutes,  
35 is amended by adding article 4, to read:

36 **ARTICLE 4. BORDER RADAR**

37 **26-371. Border radar fund**

38 **A. THE BORDER RADAR FUND IS ESTABLISHED CONSISTING OF**  
39 **LEGISLATIVE APPROPRIATIONS, MONIES RECEIVED FROM THE FEDERAL**  
40 **DEPARTMENT OF HOMELAND SECURITY, GIFTS AND GRANTS TO THE FUND**  
41 **FOR BORDER RADAR ALONG THE SOUTHERN BORDER OF ARIZONA.**

42 **B. THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS SHALL**  
43 **ADMINISTER THE BORDER RADAR FUND AND MONIES IN THE FUND ARE**  
44 **CONTINUOUSLY APPROPRIATED.**

1 C. THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN  
2 THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED FROM  
3 INVESTMENT SHALL BE CREDITED TO THE FUND.

4 Sec. 13. Title 41, chapter 7, article 12, Arizona Revised  
5 Statutes, is amended by adding section 41-1292.01, to read:

6 41-1292.01. Joint legislative committee on immigration

7 A. THE JOINT LEGISLATIVE COMMITTEE ON IMMIGRATION IS  
8 ESTABLISHED. THE COMMITTEE CONSISTS OF:

9 1. THREE MEMBERS OF THE SENATE WHO ARE APPOINTED BY THE  
10 PRESIDENT OF THE SENATE, NO MORE THAN TWO OF WHOM ARE MEMBERS OF  
11 THE SAME POLITICAL PARTY.

12 2. THREE MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO ARE  
13 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, NO  
14 MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

15 B. THE COMMITTEE SHALL REVIEW THE IMPLEMENTATION AND  
16 ENFORCEMENT OF THE FOLLOWING STATUTES:

17 1. ENFORCEMENT OF IMMIGRATION LAWS PURSUANT TO TITLE 11,  
18 CHAPTER 7, ARTICLE 8.

19 2. TRESPASSING BY ILLEGAL ALIENS PURSUANT TO SECTION  
20 13-1509.

21 3. SMUGGLING OF HUMAN BEINGS PURSUANT TO SECTION 13-2319.

22 4. BORDER RADAR PURSUANT TO TITLE 26, CHAPTER 2,  
23 ARTICLE 4.

24 5. ARIZONA BORDER ENFORCEMENT SECURITY TEAM PURSUANT TO  
25 CHAPTER 20 OF THIS TITLE. THE COMMITTEE SHALL SPECIFICALLY  
26 REVIEW THE GRANTS THAT ARE MADE PURSUANT TO CHAPTER 20 OF THIS  
27 TITLE, INCLUDING A REVIEW OF THE TOTAL NUMBER OF GRANTS, THE  
28 TOTAL AMOUNT OF GRANTS AND THE USEFULNESS AND EFFECTIVENESS OF  
29 THE GRANTS THAT WERE MADE.

30 6. SECURE AND VERIFIABLE IDENTIFICATION PURSUANT TO  
31 CHAPTER 41 OF THIS TITLE.

32 C. THE COMMITTEE SHALL ANNUALLY MAKE RECOMMENDATIONS TO  
33 THE LEGISLATURE THAT WILL SECURE THE BORDERS, PREVENT  
34 UNAUTHORIZED BORDER CROSSINGS AND IMPROVE THE ENFORCEMENT OF  
35 IMMIGRATION LAWS IN THIS STATE.

36 D. THE COMMITTEE SHALL SUBMIT A REPORT WITH ITS  
37 RECOMMENDATIONS ON OR BEFORE DECEMBER 1 OF EACH YEAR TO THE  
38 GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE  
39 HOUSE OF REPRESENTATIVES.

40 E. THE COMMITTEE SHALL PROVIDE A COPY OF THE REPORT TO  
41 THE SECRETARY OF STATE AND THE DIRECTOR OF THE ARIZONA STATE  
42 LIBRARY, ARCHIVES AND PUBLIC RECORDS.

43 Sec. 14. Heading change

1 The article heading of title 41, chapter 12, article 1,  
2 Arizona Revised Statutes, is changed from "DEFINITIONS" to  
3 "GENERAL PROVISIONS".

4 Sec. 15. Title 41, chapter 12, article 1, Arizona Revised  
5 Statutes, is amended by adding section 41-1702, to read:

6 41-1702. Federal immigration laws; enforcement;  
7 memorandum; program; definition

8 A. TO THE EXTENT PERMITTED BY FEDERAL LAW AND  
9 NOTWITHSTANDING ANY OTHER STATE LAW, PEACE OFFICERS ARE FULLY  
10 AUTHORIZED TO INVESTIGATE OR APPREHEND ILLEGAL ALIENS IN THE  
11 UNITED STATES, INCLUDING TRANSFERRING ILLEGAL ALIENS TO FEDERAL  
12 LAW ENFORCEMENT AGENCIES AND TRANSPORTING ILLEGAL ALIENS ACROSS  
13 STATE LINES TO DETENTION CENTERS, IN THE ENFORCEMENT OF THE  
14 IMMIGRATION LAWS OF THE UNITED STATES.

15 B. THE DIRECTOR SHALL ENTER INTO A MEMORANDUM OF  
16 UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF JUSTICE OR  
17 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO DESIGNATE  
18 OFFICERS AS IMMIGRATION OFFICERS QUALIFIED TO INVESTIGATE,  
19 APPREHEND AND DETAIN ILLEGAL ALIENS IN THE UNITED STATES TO THE  
20 FULLEST EXTENT CONSISTENT WITH STATE AND FEDERAL LAW.

21 C. THE DIRECTOR SHALL IMPLEMENT A PROGRAM TO TRAIN PEACE  
22 OFFICERS TO INVESTIGATE VIOLATIONS OF FEDERAL IMMIGRATION LAWS.

23 D. THE REQUIREMENTS AND OBLIGATIONS OF THIS SECTION SHALL  
24 BE IMPLEMENTED IN A MANNER FULLY CONSISTENT WITH FEDERAL LAW  
25 REGULATING IMMIGRATION AND PROTECTING THE CIVIL RIGHTS OF  
26 CITIZENS AND ALIENS.

27 E. FOR THE PURPOSES OF THIS SECTION, "PEACE OFFICER" HAS  
28 THE SAME MEANING PRESCRIBED IN SECTION 13-105.

29 Sec. 16. Title 41, Arizona Revised Statutes, is amended  
30 by adding chapter 20, to read:

31 CHAPTER 20

32 ARIZONA BORDER ENFORCEMENT SECURITY TEAM

33 ARTICLE 1. GENERAL PROVISIONS

34 41-2351. Arizona border enforcement security team;  
35 members; powers and duties; fund; limitation

36 A. THE ARIZONA BORDER ENFORCEMENT SECURITY TEAM IS  
37 ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

38 1. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR THE  
39 DIRECTOR'S DESIGNEE.

40 2. ONE MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS  
41 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

42 3. ONE MEMBER OF THE SENATE WHO IS APPOINTED BY THE  
43 PRESIDENT OF THE SENATE.

44 4. ONE MEMBER OF THE PUBLIC WHO IS APPOINTED BY THE  
45 SPEAKER OF THE HOUSE OF REPRESENTATIVES.

- 1           5. ONE MEMBER OF THE PUBLIC WHO IS APPOINTED BY THE  
2           PRESIDENT OF THE SENATE.
- 3           6. ONE MUNICIPAL LAW ENFORCEMENT MEMBER WHO IS APPOINTED  
4           BY THE ARIZONA ASSOCIATION OF CHIEFS OF POLICE FROM A SOUTHERN  
5           ARIZONA BORDER CITY.
- 6           7. TWO COUNTY LAW ENFORCEMENT MEMBERS WHO ARE APPOINTED  
7           BY THE ARIZONA COUNTY SHERIFFS ASSOCIATION, ONE OF WHOM SHALL BE  
8           FROM A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION FIVE  
9           HUNDRED THOUSAND PERSONS AND ONE OF WHOM SHALL BE FROM A  
10          SOUTHERN ARIZONA BORDER COUNTY.
- 11          8. ONE CITY PROSECUTOR WHO IS APPOINTED BY THE ARIZONA  
12          PROSECUTING ATTORNEYS ADVISORY COUNCIL.
- 13          9. TWO COUNTY ATTORNEYS WHO ARE APPOINTED BY THE ARIZONA  
14          PROSECUTING ATTORNEYS ADVISORY COUNCIL, ONE OF WHOM SHALL BE  
15          FROM A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION FIVE  
16          HUNDRED THOUSAND PERSONS.
- 17          B. MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING  
18          OFFICER AND, IN THE CASE OF ELECTED OFFICIALS, UNTIL THEIR  
19          ELECTIVE TERM OF OFFICE EXPIRES.
- 20          C. MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS  
21          4 THROUGH 9 OF THIS SECTION SHALL SERVE STAGGERED THREE YEAR  
22          TERMS.
- 23          D. MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS  
24          2 AND 3 OF THIS SECTION SHALL SERVE AS ADVISORY NONVOTING  
25          MEMBERS AND ARE NOT MEMBERS FOR PURPOSES OF DETERMINING WHETHER  
26          A QUORUM IS PRESENT.
- 27          E. THE VOTING MEMBERS SHALL ANNUALLY ELECT A CHAIRPERSON  
28          FROM AMONG THE MEMBERS AND A MEMBER SHALL NOT SERVE CONSECUTIVE  
29          TERMS AS CHAIRPERSON.
- 30          F. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT  
31          VOTING MEMBERS ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES  
32          PURSUANT TO TITLE 38, CHAPTER 4, ARTICLE 2.
- 33          G. THE TEAM MAY USE THE STAFF OF THE DEPARTMENT OF  
34          EMERGENCY AND MILITARY AFFAIRS AND THE DEPARTMENT'S FACILITIES  
35          FOR MEETINGS.
- 36          H. THE TEAM MAY ENTER INTO INTERAGENCY AGREEMENTS FOR  
37          TEAM BUSINESS.
- 38          I. THE TEAM SHALL:
  - 39                1. AFTER REVIEW BY THE JOINT LEGISLATIVE BUDGET  
40                COMMITTEE, MAKE GRANTS FROM ONE-HALF OF THE MONIES IN THE BORDER  
41                SECURITY FUND ESTABLISHED BY SUBSECTION K OF THIS SECTION TO  
42                COUNTIES FOR INCARCERATION OPERATING EXPENSES, INCLUDING  
43                TEMPORARY AND MOVABLE DETAINMENT FACILITIES, TENTS FOR  
44                IMMIGRATION CONTROL AND OPERATING AND PERSONNEL COSTS FOR THE  
45                DETAINMENT FACILITIES.



1           Sec. 18. Title 41, Arizona Revised Statutes, is amended  
2 by adding chapter 41, to read:

3                           CHAPTER 41

4                           SECURE AND VERIFIABLE IDENTIFICATION

5                           ARTICLE 1. GENERAL PROVISIONS

6           41-4251. Identification requirements; exceptions;  
7                           consequences; definitions

8           A. FOR THE DISBURSEMENT OF PUBLIC SERVICES, INCLUDING LAW  
9 ENFORCEMENT SERVICES, IN THIS STATE THAT REQUIRE RECIPIENTS TO  
10 PRODUCE IDENTIFICATION, A DEPARTMENT, AGENCY, COMMISSION, BOARD  
11 OR DISTRICT OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS  
12 STATE SHALL NOT ACCEPT OR RECOGNIZE ANY IDENTIFICATION DOCUMENT  
13 UNLESS THE DOCUMENT WAS ISSUED BY A POLITICAL SUBDIVISION OF  
14 THIS STATE, A FEDERALLY RECOGNIZED INDIAN TRIBE OR A STATE OR  
15 FEDERAL AUTHORITY AND IS VERIFIABLE BY A LAW ENFORCEMENT OR  
16 HOMELAND SECURITY AGENCY. LAW ENFORCEMENT SERVICES SHALL NOT BE  
17 WITHHELD BECAUSE OF THE PRESENTATION OF AN UNVERIFIABLE  
18 IDENTIFICATION DOCUMENT, BUT THE UNVERIFIABLE DOCUMENT CANNOT BE  
19 USED TO ESTABLISH IDENTITY. A POLITICAL SUBDIVISION OF THIS  
20 STATE SHALL NOT AUTHORIZE ACCEPTANCE OF AN UNVERIFIABLE  
21 IDENTIFICATION DOCUMENT AND A PUBLIC OFFICIAL ACTING IN THE  
22 CAPACITY OF A PUBLIC OFFICIAL SHALL NOT ACCEPT, ACKNOWLEDGE OR  
23 RECOGNIZE ANYTHING OTHER THAN A VERIFIABLE IDENTIFICATION  
24 DOCUMENT. FOR THE PURPOSE OF ISSUING ANY FORM OF  
25 IDENTIFICATION, LICENSE, PERMIT OR OFFICIAL DOCUMENT TO ANY  
26 PERSON, A POLITICAL SUBDIVISION OF THIS STATE SHALL NOT RELY ON,  
27 OR USE IN ANY MANNER, ANY DOCUMENT OTHER THAN A VERIFIABLE  
28 IDENTIFICATION DOCUMENT.

29           B. AN EXCEPTION TO THIS SECTION SHALL BE MADE ONLY AS  
30 REQUIRED BY TREATY OR FEDERAL LAW OR FOR THE PURPOSE OF  
31 REPORTING A CRIME. AN ACTION THAT IS KNOWINGLY TAKEN AND THAT  
32 IS INCONSISTENT WITH THIS SECTION IS DEEMED TO BE OUTSIDE OF THE  
33 OFFICIAL CAPACITY OF THE AGENCY, OFFICER, ELECTED OFFICIAL,  
34 AGENT OR EMPLOYEE AND IS NOT PROTECTED BY GOVERNMENTAL IMMUNITY.

35           C. FOR THE PURPOSES OF THIS ARTICLE:

36           1. "LAW ENFORCEMENT AGENCY" MEANS ANY LAW ENFORCEMENT OR  
37 INTELLIGENCE AGENCY, DEPARTMENT OR AUTHORITY OF THE UNITED  
38 STATES GOVERNMENT, A STATE GOVERNMENT OR A POLITICAL SUBDIVISION  
39 OF THE UNITED STATES GOVERNMENT OR A STATE GOVERNMENT.

40           2. "PUBLIC SERVICES" MEANS SERVICES FUNDED IN WHOLE OR IN  
41 PART BY STATE OR LOCAL TAX REVENUES.

42           3. "VERIFIABLE" MEANS THAT THE ISSUANCE OF A DOCUMENT BY  
43 THE ISSUING AGENCY TO THE INDIVIDUAL NAMED ON THE DOCUMENT IS  
44 CAPABLE OF BEING CONFIRMED ON REQUEST BY A UNITED STATES LAW  
45 ENFORCEMENT AGENCY.

1           Sec. 19. Section 46-801, Arizona Revised Statutes, is  
2 amended to read:

3           46-801. Definitions

4           In this chapter, unless the context otherwise requires:

5           1. "Caretaker relative" means a relative who exercises  
6 responsibility for the day-to-day physical care, guidance and  
7 support of a child who physically resides with the relative and  
8 who is by affinity or consanguinity or by court decree a  
9 grandparent, great-grandparent, sibling of the whole or half  
10 blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-  
11 uncle or first cousin.

12          2. "Cash assistance" has the same meaning prescribed in  
13 section 46-101.

14          3. "Child" means a person who is under thirteen years of  
15 age.

16          4. "Child care" means the compensated service that is  
17 provided to a child who is unaccompanied by a parent or guardian  
18 during a portion of a twenty-four hour day.

19          5. "Child care assistance" means any money payments for  
20 child care services that are paid by the department and that are  
21 paid for the benefit of an eligible family.

22          6. "Child care home provider" means a person who is at  
23 least eighteen years of age, who is not the parent, guardian,  
24 caretaker relative or noncertified relative provider of a child  
25 needing child care and who is certified by the department to  
26 care for four or fewer children for compensation with child care  
27 assistance monies.

28          7. "Child care providers" means child care facilities  
29 licensed pursuant to title 36, chapter 7.1, article 1, child  
30 care group homes certified pursuant to title 36, chapter 7.1,  
31 article 4, child care home providers, in-home providers,  
32 noncertified relative providers and regulated child care on  
33 military installations or for federally recognized Indian  
34 tribes.

35          8. "Eligible family" means **CITIZENS OR LEGAL RESIDENTS OF**  
36 **THE UNITED STATES OR INDIVIDUALS WHO ARE OTHERWISE LAWFULLY**  
37 **PRESENT IN THE UNITED STATES AND WHO ARE** parents, legal  
38 guardians or caretaker relatives with legal residence in this  
39 state and children in their care who meet the eligibility  
40 requirements for child care assistance.

41          9. "Federal poverty level" means the poverty guidelines  
42 that are issued by the United States department of health and  
43 human services pursuant to section 673(2) of the omnibus budget  
44 reconciliation act of 1981 and that are reported annually in the  
45 federal register.

1           10. "In-home provider" means a provider who is certified  
2 by the department to care for a child of an eligible family in  
3 the child's own home and is compensated with child care  
4 assistance monies.

5           11. "Noncertified relative provider" means a person who  
6 is at least eighteen years of age, who provides child care  
7 services to an eligible child, who is by affinity or  
8 consanguinity or by court decree the grandparent, great-  
9 grandparent, sibling not residing in the same household, aunt,  
10 great-aunt, uncle or great-uncle of the eligible child and who  
11 meets the department's requirements to be a noncertified  
12 relative provider.

13           12. "Parent" or "parents" means the natural or adoptive  
14 parents of a child.

15           Sec. 20. Section 46-803, Arizona Revised Statutes, is  
16 amended to read:

17           46-803. Eligibility for child care assistance

18           A. The department shall provide child care assistance to  
19 eligible families who are attempting to achieve independence  
20 from the cash assistance program and who need child care  
21 assistance in support of and as specified in their personal  
22 responsibility agreement pursuant to chapters 1 and 2 of this  
23 title.

24           B. The department shall provide child care assistance to  
25 eligible families who are transitioning off of cash assistance  
26 due to increased earnings or child support income in order to  
27 accept or maintain employment. Eligible families must request  
28 this assistance within six months after the cash assistance case  
29 closure. Child care assistance may be provided for up to  
30 twenty-four months after the case closure and shall cease  
31 whenever the family income exceeds one hundred sixty-five per  
32 cent of the federal poverty level.

33           C. The department shall provide child care assistance to  
34 eligible families who are diverted from cash assistance pursuant  
35 to section 46-298 in order to obtain or maintain employment.  
36 Child care assistance may be provided for up to twenty-four  
37 months after the case closure and shall cease whenever the  
38 family income exceeds one hundred sixty-five per cent of the  
39 federal poverty level.

40           D. The department may provide child care assistance to  
41 support eligible families with incomes of one hundred sixty-five  
42 per cent or less of the federal poverty level to accept or  
43 maintain employment. Priority for this child care assistance  
44 shall be given to families with incomes of one hundred per cent  
45 or less of the federal poverty level.

1           E. The department may provide child care assistance to  
2 families referred by child protective services and to children  
3 in foster care pursuant to title 8, chapter 5 to support child  
4 protection.

5           F. The department may provide child care assistance to  
6 special circumstance families whose incomes are one hundred  
7 sixty-five per cent or less of the federal poverty level and who  
8 are unable to provide child care for a portion of a twenty-four  
9 hour day due to a crisis situation of domestic violence or  
10 homelessness, or a physical, mental, emotional or medical  
11 condition, participation in a drug treatment or drug  
12 rehabilitation program or court ordered community restitution.  
13 Priority for this child care assistance shall be given to  
14 families with incomes of one hundred per cent or less of the  
15 federal poverty level.

16           G. In lieu of the employment activity required in  
17 subsection B, C or D of this section, the department may allow  
18 eligible families with teenaged custodial parents under twenty  
19 years of age to complete a high school diploma or its equivalent  
20 or engage in remedial education activities reasonably related to  
21 employment goals.

22           H. The department may provide supplemental child care  
23 assistance for department approved education and training  
24 activities if the eligible parent, legal guardian or caretaker  
25 relative is working at least a monthly average of twenty hours  
26 per week and this education and training are reasonably related  
27 to employment goals. The eligible parent, legal guardian or  
28 caretaker relative must demonstrate satisfactory progress in the  
29 education or training activity.

30           I. Beginning March 12, 2003, the department shall  
31 establish waiting lists for child care assistance and prioritize  
32 child care assistance for different eligibility categories in  
33 order to manage within appropriated and available monies.  
34 Priority of children on the waiting list shall start with those  
35 families at one hundred per cent of the federal poverty level  
36 and continue with each successive ten per cent increase in the  
37 federal poverty level until the maximum allowable federal  
38 poverty level of one hundred sixty-five per cent. Priority  
39 shall be given regardless of time spent on the waiting list.

40           J. The department shall establish criteria for denying,  
41 reducing or terminating child care assistance that include:

- 42           1. Whether there is a parent, legal guardian or caretaker  
43 relative available to care for the child.
- 44           2. Financial or programmatic eligibility changes or  
45 ineligibility.

- 1           3. Failure to cooperate with the requirements of the
- 2           department to determine or redetermine eligibility.
- 3           4. Hours of child care need that fall within the child's
- 4           compulsory academic school hours.
- 5           5. Reasonably accessible and available publicly funded
- 6           early childhood education programs.
- 7           6. Whether an otherwise eligible family has been
- 8           sanctioned and cash assistance has been terminated pursuant to
- 9           chapter 2 of this title.
- 10          7. Other circumstances of a similar nature.
- 11          8. Whether sufficient monies exist for the assistance.
- 12          K. Families receiving child care assistance under
- 13          subsection D or F of this section are also subject to the
- 14          following requirements for such child care assistance:
- 15            1. Each child is limited to no more than sixty cumulative
- 16            months of child care assistance. The department may provide an
- 17            extension if the family can prove that the family is making
- 18            efforts to improve skills and move towards self-sufficiency.
- 19            2. Families are limited to no more than six children
- 20            receiving child care assistance.
- 21            3. Copayments shall be imposed for all children receiving
- 22            child care assistance. Copayments for each child may be higher
- 23            for the first child in child care than for additional children
- 24            in child care.
- 25          L. The department shall review each case at least once a
- 26          year to evaluate eligibility for child care assistance.
- 27          M. THE DEPARTMENT SHALL REPORT ON DECEMBER 31 AND JUNE 30
- 28          OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL
- 29          NUMBER OF FAMILIES WHO APPLIED FOR CHILD CARE ASSISTANCE AND THE
- 30          TOTAL NUMBER OF FAMILIES WHO WERE DENIED ASSISTANCE UNDER THIS
- 31          SECTION BECAUSE THE PARENTS, LEGAL GUARDIANS OR CARETAKER
- 32          RELATIVES WHO APPLIED FOR ASSISTANCE WERE NOT CITIZENS OR LEGAL
- 33          RESIDENTS OF THE UNITED STATES OR WERE NOT OTHERWISE LAWFULLY
- 34          PRESENT IN THE UNITED STATES.
- 35          N. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,
- 36          RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.
- 37          ~~M.~~ O. Notwithstanding section 35-173, monies
- 38          appropriated for the purposes of this section shall not be used
- 39          for any other purpose without the approval of the joint
- 40          legislative budget committee.
- 41          ~~N.~~ P. The department shall refer all child care subsidy
- 42          recipients to child support enforcement and to local workforce
- 43          services and provide information on the earned income tax
- 44          credit.



1           Sec. 23. Appropriations; border radar; reimbursement  
2           A. The sum of \$25,000,000 is appropriated from the budget  
3 stabilization fund in each of the fiscal years 2006-2007 and  
4 2007-2008 to the border radar fund established by section 26-  
5 371, Arizona Revised Statutes, as added by this act.  
6           B. Any federal monies provided to this state for border  
7 radar shall be used to offset the appropriation made in  
8 subsection A of this section and the offset amount reverts to  
9 the budget stabilization fund.

10          Sec. 24. Appropriations; GITEM; border security;  
11 exemption; reimbursement  
12          A. The sum of \$28,952,900 is appropriated from the budget  
13 stabilization fund and and 161.8 FTE positions are appropriated  
14 in fiscal year 2006-2007 to the department of public safety  
15 which shall be used for:

16           1. The operating expenses of the existing GITEM mission  
17 and to expand the existing gang intelligence team enforcement  
18 mission into a multijurisdiction task force known as the gang  
19 and immigration intelligence team enforcement mission. If the  
20 department of public safety uses any of the monies appropriated  
21 for GITEM for an agreement or contract with a city, town, county  
22 or other entity to provide services for the GITEM program, the  
23 city, town, county or other entity shall provide fifteen per  
24 cent of the cost of the services and the department of public  
25 safety shall provide eighty-five per cent of the cost for each  
26 agreement or contract. The monies shall also be used for new  
27 functions relating to immigration enforcement, including border  
28 security and border personnel. This appropriation is for the  
29 purpose of expanding GITEM and not to add a new unit or  
30 increased administration to the mission. Prior to expending the  
31 appropriated monies, the department shall submit an expenditure  
32 plan to the joint legislative budget committee for review.  
33 Within thirty days after the last day of each calendar quarter,  
34 the department shall provide a summary of quarterly and year-to-  
35 date expenditures to the joint legislative budget committee.

36           2. An additional one hundred department of public safety  
37 sworn personnel, fifty of whom shall be used for immigration and  
38 border security. Prior to expending the appropriated monies,  
39 the department shall submit an expenditure plan to the joint  
40 legislative budget committee for review. Within thirty days  
41 after the last day of each calendar quarter, the department  
42 shall provide a summary of quarterly and year-to-date  
43 expenditures to the joint legislative budget committee.

1           B. The appropriation made in subsection A of this section  
2 is exempt from the provisions of section 35-190, Arizona Revised  
3 Statutes, relating to lapsing of appropriations.

4           C. Any federal monies provided to this state for border  
5 security and the immigration enforcement purposes described in  
6 subsection A of this section shall be used to offset the  
7 appropriation made in subsection A of this section and the  
8 offset amount reverts to the budget stabilization fund.

9           Sec. 25. Border radar; implementation

10          A. The department of emergency and military affairs shall  
11 lease or purchase a ground based radar system integrated with  
12 cameras for the southern Arizona border for border protection.  
13 The location and implementation of the radar system shall be  
14 established by the department of emergency and military affairs  
15 in cooperation and consultation with the contractor and federal,  
16 state and local governments, Indian tribes and private property  
17 owners on the border. The contract shall require immediate  
18 notification to the United States border patrol by the  
19 implementing contractor for each illegal crossing of the border  
20 detected by the radar.

21          B. The department of emergency and military affairs  
22 shall:

23           1. Submit a draft of the request for proposals to the  
24 joint committee on capital review within ninety days after the  
25 effective date of this act for review.

26           2. Enter into a contract with the contractor for  
27 installation, management and maintenance costs and personnel and  
28 associated equipmenet costs of the project within one hundred  
29 twenty days after the release of the request for proposals. The  
30 contract shall contain a list including the number of proposed  
31 radar facility locations, the miles of border covered by the  
32 proposed radar facility locations and the estimated time for  
33 completion of the first and last radar sites.

34           3. Submit quarterly reports beginning December 1, 2006,  
35 until completion of the project, to the joint committee on  
36 capital review and the joint legislative committee on  
37 immigration for review. The reports shall detail expenditures,  
38 progress on implementation of the project and the timeframes for  
39 completion of the first and last radar facility locations.

40          Sec. 26. Initial terms of members of the Arizona border  
41 enforcement security team

42          A. Notwithstanding section 41-2351, Arizona Revised  
43 Statutes, as added by this act, the initial terms of members of  
44 the Arizona border enforcement security team appointed pursuant

1 to section 41-2351, subsection A, paragraphs 4 through 9,  
2 Arizona Revised Statutes, as added by this act, are:

- 3 1. Two terms ending January 1, 2008.
- 4 2. Three terms ending January 1, 2009.
- 5 3. Three terms ending January 1, 2010.

6 B. The appointing authorities shall make all subsequent  
7 appointments as prescribed by statute.

8 Sec. 27. Purpose

9 Pursuant to section 41-2955, subsection E, Arizona Revised  
10 Statutes, the purpose of the Arizona border enforcement security  
11 team is to make grants to political subdivisions for border  
12 security.

13 Sec. 28. Report by governor; border emergency

14 A. If the governor declares that a state of emergency  
15 exists due to the increase in unauthorized border crossings and  
16 the related increase in deaths, crime or property damage, the  
17 governor shall prepare a report outlining the governor's plan to  
18 stabilize the emergency. The report shall include all of the  
19 following:

20 1. The number of troops to be mobilized to address the  
21 emergency.

22 2. The role of the troops in resolving the emergency,  
23 including delineation of specific duties that will prevent  
24 illegal aliens from entering Arizona.

25 3. The estimated time until the emergency is resolved.

26 4. Whether the required training schedule for national  
27 guard troops prescribed in section 26-171, Arizona Revised  
28 Statutes, can be altered to use these troops to address the  
29 border emergency and to reduce the cost to the state.

30 5. Whether the governor has determined that the national  
31 guard does not have sufficient troops to meet the emergency and  
32 plans to authorize the adjutant general to accept service from  
33 volunteers to form an unorganized militia pursuant to section  
34 26-124, Arizona Revised Statutes, and the reasons to support or  
35 reject this service.

36 B. The governor shall present this report to the speaker  
37 of the house of representatives and the president of the senate  
38 within thirty days after the declaration of the emergency or by  
39 the effective date of this act, whichever date is later.

40 Sec. 29. Conditional appropriation; national guard  
41 mobilization; exemption; reimbursement

42 A. If the governor presents the report as prescribed in  
43 section 38 of this act, the sum of \$10,000,000 is appropriated  
44 from the budget stabilization fund in fiscal year 2006-2007 to  
45 the department of emergency and military affairs for payment of

1 expenses incurred by the national guard pursuant to any  
2 mobilization due to a declaration of emergency by the governor  
3 relating to the protection of Arizona lives and property  
4 resulting from an increase in unauthorized border crossings and  
5 the related increase in deaths, crime and property damage.

6 B. Any federal monies provided to this state for national  
7 guard deployment shall be used to offset the appropriation made  
8 in subsection A of this section and the offset amount reverts to  
9 the budget stabilization fund.

10 C. The appropriation made in subsection A of this section  
11 is exempt from the provisions of section 35-190, Arizona Revised  
12 Statutes, relating to lapsing of appropriations.

13 D. Any federal monies provided to this state for national  
14 guard mobilization shall be used to offset the appropriation  
15 made in subsection A of this section and the offset amount  
16 reverts to the budget stabilization fund.

17 Sec. 30. Appropriation; border environmental study;  
18 report; exemption; reimbursement

19 A. The sum of \$200,000 is appropriated from the budget  
20 stabilization fund in fiscal year 2006-2007 to the state land  
21 department to enter into a contract with a private contractor  
22 for an environmental impact study of the effects of illegal  
23 immigration on state lands in the southern Arizona border  
24 counties.

25 B. The request for proposals shall be developed by the  
26 state land department in consultation with the department of  
27 environmental quality and the Arizona game and fish department.

28 C. The study shall include the vehicular and foot traffic  
29 effects of illegal immigration on habitat, animal and plant life  
30 and any other adverse environmental effects.

31 D. A report of the findings of the study shall be  
32 submitted by the state land department to the speaker of the  
33 house of representatives and the president of the senate by  
34 December 1, 2007.

35 E. The appropriation made in subsection A of this section  
36 is exempt from the provisions of section 35-190, Arizona Revised  
37 Statutes, relating to lapsing of appropriations.

38 F. Any federal monies provided to this state for a border  
39 environmental study shall be used to offset the appropriation  
40 made in subsection A of this section and the offset amount  
41 reverts to the budget stabilization fund.

42 Sec. 31. Appropriation; auditor general; federal audits;  
43 exemption; reimbursement

44 A. The sum of \$150,000 is appropriated from the budget  
45 stabilization fund in fiscal year 2006-2007 to the auditor

1 general for the purpose of contracting with a third party to  
2 conduct any fiscal audits that are federally required.

3 B. The appropriation made in subsection A of this section  
4 is exempt from the provisions of section 35-190, Arizona Revised  
5 Statutes, relating to lapsing of appropriations.

6 C. Any federal monies provided to this state for the  
7 auditor general to conduct audits shall be used to offset the  
8 appropriation made in subsection A of this section and the  
9 offset amount reverts to the budget stabilization fund.

10 Sec. 32. Funding for peace officer training;  
11 investigating violations of federal immigration laws

12 Programs to train peace officers to investigate violations  
13 of federal immigration laws by the department of public safety,  
14 county sheriffs and police departments of cities and towns  
15 pursuant to section 11-1051, subsection D, Arizona Revised  
16 Statutes, as added by this act, shall be funded by federal funds  
17 that are received by this state.

18 Sec. 33. Severability; construction

19 A. If any provision of this act or its application to any  
20 person or circumstance is held invalid, the invalidity does not  
21 affect other provisions or applications of this act that can be  
22 given effect without the invalid provision or application, and  
23 to this end the provisions of this act are severable.

24 B. All provisions in this act that are relevant to  
25 immigration or the classification of aliens shall be construed  
26 to be in conformity with federal immigration law.

27 Sec. 34. Delayed repeal

28 Section 41-1292.01, Arizona Revised Statutes, as added by  
29 this act, is repealed from and after December 31, 2009.

30 Sec. 35. Legislative intent

31 It is the intent of the legislature that law enforcement  
32 agencies and personnel fully comply with sections 11-1051 and  
33 41-1702, Arizona Revised Statutes, as added by this act, to  
34 accomplish the goal of supplementing the efforts of federal law  
35 enforcement agencies to stop human smuggling and trespassing by  
36 illegal aliens and by transferring illegal aliens to such  
37 agencies, notwithstanding any local law enforcement policies  
38 that would otherwise inhibit such compliance.