

REFERENCE TITLE: public benefits; eligibility; required proof

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SB 1222

Introduced by
Senator Biggs

AN ACT

AMENDING SECTIONS 1-501 AND 1-502, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 12, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-1409.02; RELATING TO ELIGIBILITY FOR PUBLIC PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 1-501, Arizona Revised Statutes, is amended to
3 read:

4 1-501. Eligibility for federal public benefits; documentation;
5 violation; classification; citizen suits; court costs
6 and attorney fees; definition

7 A. Notwithstanding any other state law ~~and to the extent permitted by~~
8 ~~federal law~~, any natural person who applies for a federal public benefit that
9 is administered by this state or a political subdivision of this state ~~and~~
10 ~~that requires participants to be citizens of the United States, legal~~
11 ~~residents of the United States or otherwise lawfully present in the United~~
12 ~~States~~ shall submit at least one of the following documents to the entity
13 that administers the federal public benefit demonstrating lawful presence in
14 the United States:

- 15 1. An Arizona driver license issued after 1996 or an Arizona
16 nonoperating identification license.
- 17 2. A birth certificate or delayed birth certificate issued in any
18 state, territory or possession of the United States.
- 19 3. A United States certificate of birth abroad.
- 20 4. A United States passport.
- 21 5. A foreign passport with a United States visa.
- 22 6. An I-94 form with a photograph.
- 23 7. A United States citizenship and immigration services employment
24 authorization document or refugee travel document.
- 25 8. A United States certificate of naturalization.
- 26 9. A United States certificate of citizenship.
- 27 10. A tribal certificate of Indian blood.
- 28 11. A tribal or bureau of Indian affairs affidavit of birth.

29 ~~B. For the purposes of administering the Arizona health care cost~~
30 ~~containment system, documentation of citizenship and legal residence shall~~
31 ~~conform with the requirements of title XIX of the social security act.~~

32 ~~C. To the extent permitted by federal law, an agency of this state or~~
33 ~~political subdivision of this state may allow tribal members, the elderly and~~
34 ~~persons with disabilities or incapacity of the mind or body to provide~~
35 ~~documentation as specified in section 6036 of the federal deficit reduction~~
36 ~~act of 2005 (P.L. 109-171; 120 Stat. 81) and related federal guidance in lieu~~
37 ~~of the documentation required by this section.~~

38 ~~D.~~ B. Any person who applies for federal public benefits shall sign a
39 sworn affidavit stating that the documents presented pursuant to subsection A
40 ~~of this section~~ are true under penalty of perjury.

41 ~~E.~~ C. Failure to report discovered violations of federal immigration
42 law by an employee of an agency of this state or a political subdivision of
43 this state that administers any federal public benefit is a class ~~2-~~ 1
44 misdemeanor. If that employee's supervisor knew of the failure to report and

1 failed to direct the employee to make the report, the supervisor is guilty of
2 a class ~~2- 1~~ misdemeanor.

3 ~~F.~~ D. This section shall be enforced without regard to race, color,
4 religion, sex, age, disability or national origin.

5 ~~G.~~ E. Any person who is a resident of this state has standing in any
6 court of record to bring suit against any agent or agency of this state or
7 its political subdivisions to remedy any violation of any provision of this
8 section, including an action for mandamus. Courts shall give preference to
9 actions brought under this section over other civil actions or proceedings
10 pending in the court.

11 ~~H.~~ F. The court may award court costs and reasonable attorney fees to
12 any person or any official or agency of this state or a county, city, town or
13 other political subdivision of this state that prevails by an adjudication on
14 the merits in a proceeding brought pursuant to this section.

15 ~~I.~~ G. For the purposes of this section, "federal public benefit" has
16 the same meaning prescribed in 8 United States Code section 1611.

17 Sec. 2. Section 1-502, Arizona Revised Statutes, is amended to read:

18 1-502. Eligibility for state or local public benefits;
19 documentation; violation; classification; citizen
20 suits; court costs and attorney fees; definition

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

- 27 1. An Arizona driver license issued after 1996 or an Arizona
28 nonoperating identification license.
- 29 2. A birth certificate or delayed birth certificate issued in any
30 state, territory or possession of the United States.
- 31 3. A United States certificate of birth abroad.
- 32 4. A United States passport.
- 33 5. A foreign passport with a United States visa.
- 34 6. An I-94 form with a photograph.
- 35 7. A United States citizenship and immigration services employment
36 authorization document or refugee travel document.
- 37 8. A United States certificate of naturalization.
- 38 9. A United States certificate of citizenship.
- 39 10. A tribal certificate of Indian blood.
- 40 11. A tribal or bureau of Indian affairs affidavit of birth.

41 ~~B. For the purposes of administering the Arizona health care cost~~
42 ~~containment system, documentation of citizenship and legal residence shall~~
43 ~~conform with the requirements of title XIX of the social security act.~~

44 ~~C. To the extent permitted by federal law, an agency of this state or~~
45 ~~political subdivision of this state may allow tribal members, the elderly and~~

1 ~~persons with disabilities or incapacity of the mind or body to provide~~
2 ~~documentation as specified in section 6036 of the federal deficit reduction~~
3 ~~act of 2005 (P.L. 109 171; 120 Stat. 81) and related federal guidance in lieu~~
4 ~~of the documentation required by this section.~~

5 ~~D.~~ B. Any person who applies for state or local public benefits shall
6 sign a sworn affidavit stating that the documents presented pursuant to
7 subsection A ~~of this section~~ are true under penalty of perjury.

8 ~~E.~~ C. Failure to report discovered violations of federal immigration
9 law by an employee of an agency of this state or a political subdivision of
10 this state that administers any state or local public benefit is a class ~~2- 1~~
11 misdemeanor. If that employee's supervisor knew of the failure to report and
12 failed to direct the employee to make the report, the supervisor is guilty of
13 a class ~~2- 1~~ misdemeanor.

14 ~~F.~~ D. This section shall be enforced without regard to race, color,
15 religion, sex, age, disability or national origin.

16 ~~G.~~ E. Any person who is a resident of this state has standing in any
17 court of record to bring suit against any agent or agency of this state or
18 its political subdivisions to remedy any violation of any provision of this
19 section, including an action for mandamus. Courts shall give preference to
20 actions brought under this section over other civil actions or proceedings
21 pending in the court.

22 ~~H.~~ F. The court may award court costs and reasonable attorney fees to
23 any person or any official or agency of this state or a county, city, town or
24 other political subdivision of this state that prevails by an adjudication on
25 the merits in a proceeding brought pursuant to this section.

26 ~~I.~~ G. For the purposes of this section, "state or local public
27 benefit" has the same meaning prescribed in 8 United States Code section
28 1621, ~~except that it does not include commercial or professional licenses,~~
29 ~~benefits provided by the public retirement systems and plans of this state or~~
30 ~~services widely available to the general population as a whole.~~

31 Sec. 3. Title 36, chapter 12, article 1, Arizona Revised Statutes, is
32 amended by adding section 36-1409.02, to read:

33 36-1409.02. Public housing; residents; legal status; eviction
34 requirements; violation; classification

35 A. A PUBLIC HOUSING AUTHORITY, CITY, TOWN OR COUNTY SHALL REQUIRE THAT
36 A PERSON WHO IS APPLYING FOR PUBLIC HOUSING PROVIDE VERIFICATION OF UNITED
37 STATES CITIZENSHIP OR DOCUMENTED VERIFICATION OF QUALIFIED ALIEN STATUS. A
38 PUBLIC HOUSING AUTHORITY, CITY, TOWN OR COUNTY SHALL NOT OFFER PUBLIC HOUSING
39 TO ANY PERSON WHO CANNOT PROVIDE THIS VERIFICATION.

40 B. A PUBLIC HOUSING AUTHORITY SHALL EVICT ALL RESIDENTS OF A DWELLING
41 UNIT IN RENTAL HOUSING ACCOMMODATIONS OWNED, OPERATED, MANAGED OR CONTRACTED
42 FOR BY THE PUBLIC HOUSING AUTHORITY IF A RESIDENT OF THAT UNIT ALLOWS A
43 PERSON WHO IS IN THIS COUNTRY ILLEGALLY TO RESIDE IN THAT UNIT.

44 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
45 MISDEMEANOR.