

State of Arizona  
Senate  
Fifty-fourth Legislature  
First Regular Session  
2019

# SENATE BILL 1217

AN ACT

AMENDING SECTION 1-502, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1809; RELATING TO 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 1-502, Arizona Revised Statutes, is amended to  
3 read:

4 1-502. Eligibility for state or local public benefits;  
5 documentation; violation; classification; citizen  
6 suits; court costs and attorney fees; definition

7 A. Notwithstanding any other state law and to the extent ~~permitted~~  
8 **ALLOWED** by federal law, any agency of this state or a political  
9 subdivision of this state that administers any state or local public  
10 benefit shall require each natural person who applies for the state or  
11 local public benefit to submit at least one of the following documents to  
12 the entity that administers the state or local public benefit  
13 demonstrating lawful presence in the United States:

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

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

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

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

41 E. Failure to report discovered violations of federal immigration  
42 law by an employee of an agency of this state or a political subdivision  
43 of this state that administers any state or local public benefit is a  
44 class 2 misdemeanor. If that employee's supervisor knew of the failure to  
45 report and failed to direct the employee to make the report, the  
46 supervisor is guilty of a class 2 misdemeanor.

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

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

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

14 I. For the purposes of this section, "state or local public  
15 benefit" has the same meaning prescribed in 8 United States Code section  
16 1621, except that it does not include commercial or professional licenses,  
17 POSTSECONDARY EDUCATION, benefits provided by the public retirement  
18 systems and plans of this state or services widely available to the  
19 general population as a whole.

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

22 15-1809. Arizona high school graduate tuition rate:  
23 universities; community colleges; definition

24 A. A PERSON WHO APPLIES FOR ADMISSION TO A UNIVERSITY UNDER THE  
25 JURISDICTION OF THE ARIZONA BOARD OF REGENTS AFTER GRADUATING FROM ANY OF  
26 THE PUBLIC OR PRIVATE HIGH SCHOOL OPTIONS IN THIS STATE, PURSUANT TO  
27 SECTION 15-802, IS ENTITLED TO THE ARIZONA HIGH SCHOOL GRADUATE TUITION  
28 RATE IN AN AMOUNT PRESCRIBED BY THE ARIZONA BOARD OF REGENTS. THE ARIZONA  
29 BOARD OF REGENTS SHALL VERIFY THAT THE PERSON'S HIGH SCHOOL DIPLOMA MEETS  
30 THE REQUIREMENTS OF THIS SUBSECTION, CONSISTENT WITH SECTION 1-701.

31 B. A PERSON WHO APPLIES FOR ADMISSION TO A COMMUNITY COLLEGE UNDER  
32 THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT GOVERNING BOARD IN THIS  
33 STATE AFTER GRADUATING FROM ANY OF THE PUBLIC OR PRIVATE HIGH SCHOOL  
34 OPTIONS IN THIS STATE, PURSUANT TO SECTION 15-802, IS ENTITLED TO THE  
35 ARIZONA HIGH SCHOOL GRADUATE TUITION RATE IN AN AMOUNT PRESCRIBED BY THE  
36 COMMUNITY COLLEGE DISTRICT GOVERNING BOARD. THE GOVERNING BOARD SHALL  
37 VERIFY THAT THE PERSON'S HIGH SCHOOL DIPLOMA MEETS THE REQUIREMENTS OF  
38 THIS SUBSECTION, CONSISTENT WITH SECTION 1-701.

39 C. A PERSON WHO HAS PREVIOUSLY QUALIFIED FOR THE ARIZONA HIGH  
40 SCHOOL GRADUATE TUITION RATE PURSUANT TO THIS SECTION REMAINS QUALIFIED  
41 FOR THAT SAME TUITION RATE AS LONG AS THAT PERSON REMAINS CONTINUOUSLY  
42 ENROLLED AT THAT EDUCATIONAL INSTITUTION.

43 D. FOR THE PURPOSES OF THIS SECTION, "CONTINUOUSLY ENROLLED" MEANS  
44 WITHOUT NONENROLLMENT FOR TWELVE OR MORE MONTHS.