

REFERENCE TITLE: in-state tuition; universities; community colleges

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
Second Regular Session  
2020

## **HCR 2048**

Introduced by  
Representatives Campbell: Butler, Engel, Fernandez, Friese, Lieberman,  
Meza, Rivero, Rodriguez

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 House of Representatives of the State of Arizona,  
2 the Senate 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, 15-1803 AND 15-1825, ARIZONA REVISED  
9 STATUTES; RELATING TO THE CLASSIFICATION OF STUDENTS FOR  
10 TUITION PURPOSES.

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

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

14 1-502. Eligibility for state or local public benefits;  
15 documentation; violations; classification;  
16 citizen suits; court costs and attorney fees;  
17 definition

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

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

28 2. A birth certificate or delayed birth certificate  
29 issued in any state, territory or possession of the United  
30 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  
36 employment 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  
41 birth.

42 B. For the purposes of administering the Arizona health  
43 care cost containment system, documentation of citizenship and

1 legal residence shall conform with the requirements of title  
2 XIX of the social security act.

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

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

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

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

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

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

37 I. For the purposes of this section, "state or local  
38 public benefit" has the same meaning prescribed in 8 United  
39 States Code section 1621, except that it does not include:

40 1. Commercial or professional licenses, benefits  
41 provided by the public retirement systems and plans of this  
42 state or services widely available to the general population  
43 as a whole.

1           2. FOR PERSONS DESCRIBED IN SECTION 15-1803,  
2 SUBSECTIONS D AND E, POSTSECONDARY EDUCATION.

3           Sec. 2. Section 15-1803, Arizona Revised Statutes, is  
4 amended to read:

5           15-1803. Alien in-state student status; deferred action  
6                                   for childhood arrivals in-state student  
7                                   status

8           A. An alien is entitled to classification as an  
9 in-state refugee student if ~~such~~ THE person has been granted  
10 refugee status in accordance with all applicable laws of the  
11 United States and has met all other requirements for domicile.

12           B. EXCEPT AS PROVIDED IN SUBSECTIONS D AND E OF THIS  
13 SECTION, in accordance with the illegal immigration reform and  
14 immigrant responsibility act of 1996 (P.L. 104-208; 110 Stat.  
15 3009), a person who was not a citizen or legal resident of the  
16 United States or who is without lawful immigration status is  
17 not entitled to classification as an in-state student pursuant  
18 to section 15-1802 or entitled to classification as a county  
19 resident pursuant to section 15-1802.01.

20           C. Each community college and university shall report  
21 on December 31 and June 30 of each year to the joint  
22 legislative budget committee the total number of students who  
23 were entitled to classification as an in-state student and the  
24 total number of students who were not entitled to  
25 classification as an in-state student under this section  
26 because the student was not a citizen or legal resident of the  
27 United States or is without lawful immigration status.

28           D. NOTWITHSTANDING ANY OTHER LAW, A STUDENT WHO MEETS  
29 ALL OF THE FOLLOWING REQUIREMENTS IS ELIGIBLE FOR IN-STATE  
30 TUITION AT ANY UNIVERSITY UNDER THE JURISDICTION OF THE  
31 ARIZONA BOARD OF REGENTS OR ANY COMMUNITY COLLEGE AS DEFINED  
32 IN SECTION 15-1401:

33           1. MEETS ALL OF THE FOLLOWING ELIGIBILITY CRITERIA  
34 PRESCRIBED UNDER THE FEDERAL DEFERRED ACTION FOR CHILDHOOD  
35 ARRIVALS PROGRAM ESTABLISHED ON JUNE 15, 2012, EXCEPT THAT  
36 THIS PARAGRAPH DOES NOT REQUIRE A STUDENT TO HAVE APPLIED FOR  
37 OR RECEIVED A GRANT OF DEFERRED ACTION UNDER THE FEDERAL  
38 DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM ESTABLISHED ON  
39 JUNE 15, 2012:

40           (a) WAS UNDER THE AGE OF THIRTY-ONE AS OF JUNE 15,  
41 2012.

42           (b) CAME TO THE UNITED STATES BEFORE REACHING SIXTEEN  
43 YEARS OF AGE.

1 (c) HAS CONTINUOUSLY RESIDED IN THE UNITED STATES SINCE  
2 JUNE 15, 2007, UP TO THE PRESENT TIME.

3 (d) WAS PHYSICALLY PRESENT IN THE UNITED STATES ON  
4 JUNE 15, 2012.

5 (e) HAD NO LAWFUL STATUS ON JUNE 15, 2012.

6 (f) HAS NOT BEEN CONVICTED OF A FELONY, A SIGNIFICANT  
7 MISDEMEANOR OR THREE OR MORE OTHER MISDEMEANORS AND DOES NOT  
8 OTHERWISE POSE A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY.

9 2. ATTENDED ANY PUBLIC OR PRIVATE HIGH SCHOOL OR  
10 HOMESCHOOL EQUIVALENT WHILE PHYSICALLY PRESENT IN THIS STATE  
11 PURSUANT TO SECTION 15-802 FOR AT LEAST THREE YEARS.

12 3. GRADUATED FROM ANY PUBLIC OR PRIVATE HIGH SCHOOL OR  
13 HOMESCHOOL EQUIVALENT WHILE PHYSICALLY PRESENT IN THIS STATE  
14 PURSUANT TO SECTION 15-802 OR OBTAINED A HIGH SCHOOL GENERAL  
15 EQUIVALENCY DIPLOMA IN THIS STATE.

16 E. PERSONS WITHOUT LAWFUL IMMIGRATION STATUS ARE  
17 ELIGIBLE FOR IN-STATE TUITION PURSUANT TO SUBSECTION D OF THIS  
18 SECTION.

19 Sec. 3. Section 15-1825, Arizona Revised Statutes, is  
20 amended to read:

21 15-1825. Prohibited financial assistance; exception;  
22 report

23 A. A person who is not a citizen of the United States,  
24 who is without lawful immigration status and who is enrolled  
25 as a student at any university under the jurisdiction of the  
26 Arizona board of regents or at any community college under the  
27 jurisdiction of a community college district in this state is  
28 not entitled to tuition waivers, fee waivers, grants,  
29 scholarship assistance, financial aid, tuition assistance or  
30 any other type of financial assistance that is subsidized or  
31 paid in whole or in part with state monies, EXCEPT THAT THIS  
32 SUBSECTION DOES NOT PROHIBIT A PERSON DESCRIBED IN SECTION  
33 15-1803, SUBSECTIONS D AND E FROM RECEIVING IN-STATE TUITION  
34 AT ANY UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD  
35 OF REGENTS OR ANY COMMUNITY COLLEGE AS DEFINED IN SECTION  
36 15-1401.

37 B. Each community college and university shall report  
38 on December 31 and June 30 of each year to the joint  
39 legislative budget committee the total number of students who  
40 applied and the total number of students who were not entitled  
41 to tuition waivers, fee waivers, grants, scholarship  
42 assistance, financial aid, tuition assistance or any other  
43 type of financial assistance that is subsidized or paid in  
44 whole or in part with state monies under this section because

1           the student was not a citizen or legal resident of the United  
2           States or not lawfully present in the United States.

3           C. This section shall be enforced without regard to  
4           race, religion, gender, ethnicity or national origin.

5           2. The Secretary of State shall submit this proposition to the  
6 voters at the next general election as provided by article IV, part 1,  
7 section 1, Constitution of Arizona.