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House Engrossed

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
First Regular Session  
2005

# HOUSE BILL 2030

AN ACT

AMENDING SECTIONS 15-191.01, 15-232 AND 15-1803, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1825; AMENDING SECTIONS 46-731, 46-801 AND 46-803, ARIZONA REVISED STATUTES; RELATING TO PUBLIC PROGRAM ELIGIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-191.01, Arizona Revised Statutes, is amended to  
3 read:  
4 15-191.01. Family literacy program; procedures; curriculum;  
5 eligibility; report  
6 A. The family literacy program is established in the state board of  
7 education through the division of adult education to increase the basic  
8 academic and literacy skills of eligible parents and their preschool children  
9 in accordance with this article. The state board of education shall  
10 establish family literacy projects as part of the overall program at  
11 locations where there is a high incidence of economic and educational  
12 disadvantage as determined by the state board of education in consultation  
13 with the department of economic security and, as appropriate, other state  
14 agencies.  
15 B. The state board of education shall adopt procedures necessary to  
16 implement the family literacy program.  
17 C. The state board of education shall establish guidelines for  
18 requiring program participants to engage in community service activities in  
19 exchange for benefits received from the program. Participants shall be  
20 allowed to choose from a variety of community and faith-based service  
21 providers that are under contract with the department to provide community  
22 service opportunities or program services. Participants shall be allowed and  
23 encouraged to engage in community services within their own communities.  
24 Participants shall be allowed to fulfill the requirements of this ~~subdivision~~  
25 **SUBSECTION** by providing community services to the program from which they  
26 received services.  
27 D. **THE STATE BOARD OF EDUCATION SHALL** submit an annual report by  
28 December 31 to the governor, the speaker of the house of representatives and  
29 the president of the senate regarding the community service activities of  
30 program participants pursuant to subsection C, including information on the  
31 number of participants, the types of community service performed and the  
32 number of hours spent in community service activities.  
33 E. Local education agencies and adult education programs funded by the  
34 department of education are eligible for grants if the state board of  
35 education determines that a high percentage of adults in the county, the  
36 local school district or the targeted local school service area have not  
37 graduated from high school. Selection criteria for grant awards shall  
38 include at a minimum the educational needs of the adult population, the  
39 incidence of unemployment in the county, district or local targeted school  
40 service area, the degree to which community collaboration and partnership  
41 demonstrate the ability to bring additional resources to the program and the  
42 readiness and likelihood of the proposing organizations to establish a  
43 successful family literacy project.  
44 F. Each project team shall include representatives from each of the  
45 following:

- 1           1. One or more local school districts or the county school  
2 superintendent's office.
- 3           2. An adult education provider funded by the division of adult  
4 education.
- 5           3. A private or public early childhood education provider.
- 6           4. Any other social service, governmental or private agency that may  
7 provide assistance for the planning and operation of the project.
- 8           G. In addition to the grants prescribed in subsection H, the state  
9 board of education shall authorize two grants to existing literacy programs  
10 in this state that can offer training and serve as models and training  
11 resources for the establishment and expansion of other programs throughout  
12 this state. Existing literacy programs shall submit a grant application to  
13 the state board of education in the same manner as prescribed in subsection  
14 ~~I~~ K.
- 15           H. The state board of education shall authorize additional grants  
16 through the division of adult education in areas of educational and economic  
17 need.
- 18           I. Selected projects shall use either:
- 19           1. A nationally recognized family literacy model such as models  
20 developed by the national center for family literacy or its successor.
- 21           2. A model that, in the determination of the project team and the  
22 state board of education, is superior to a nationally recognized family  
23 literacy model.
- 24           J. Eligible parents shall be instructed in adult basic education and  
25 general educational development. Preschool children shall receive  
26 instruction in developmentally appropriate early childhood programs. Other  
27 planned, structured activities involving parents and children in learning  
28 activities may be established as a part of the curriculum.
- 29           K. Each grant application shall include a plan to address at least the  
30 following:
- 31           1. Identification and recruitment of eligible parents and children.
- 32           2. Screening and preparation of parents and children for participation  
33 in the program.
- 34           3. Food services for program participants.
- 35           4. Instructional programs that promote academic and literacy skills  
36 and that equip parents to provide needed support for the educational growth  
37 and success of their children.
- 38           5. A determination that at least ten but no more than twenty parents  
39 with children will enroll and be eligible for the program.
- 40           6. Provision of child care through either private or public providers.
- 41           7. A transportation plan for participants.
- 42           8. An organizational partnership involving at a minimum a common  
43 school, a private preschool provider and an adult education program funded by  
44 the department of education.
- 45           L. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,  
46 GENDER, ETHNICITY OR NATIONAL ORIGIN.

1 M. THE STATE BOARD OF EDUCATION SHALL REPORT AT THE END OF EACH  
2 CALENDAR QUARTER TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER  
3 OF PARENTS WHO APPLIED TO PARTICIPATE IN A PROGRAM UNDER THIS ARTICLE AND THE  
4 TOTAL NUMBER OF PARENTS WHO WERE NOT ELIGIBLE UNDER THIS ARTICLE BECAUSE THE  
5 PARENT WAS NOT AN ELIGIBLE PARENT AS DEFINED IN SECTION 15-191, PARAGRAPH 1,  
6 SUBDIVISION (c).

7 Sec. 2. Section 15-232, Arizona Revised Statutes, is amended to read:  
8 15-232. Division of adult education; duties

9 A. There is established a division of adult education within the  
10 department of education, under the jurisdiction of the state board ~~for~~  
11 ~~vocational and technological~~ OF education, which shall:

12 1. Prescribe a course of study for adult education in school  
13 districts.

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

16 3. Adopt rules for the establishment and conduct of classes for  
17 immigrant and adult education, including the teaching of English to  
18 foreigners, in school districts.

19 4. Devise plans for establishment and maintenance of classes for  
20 immigrant and adult education, including the teaching of English to  
21 foreigners, stimulate and correlate the Americanization work of various  
22 agencies, including governmental, and perform such other duties as may be  
23 prescribed by the state board of education and the superintendent of public  
24 instruction.

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

28 B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE CLASSES UNDER THIS SECTION  
29 ONLY TO ADULTS WHO ARE CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES OR  
30 ARE OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES. THIS SUBSECTION SHALL  
31 BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL  
32 ORIGIN.

33 C. THE DEPARTMENT OF EDUCATION SHALL REPORT AT THE END OF EACH  
34 CALENDAR QUARTER TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER  
35 OF ADULTS WHO APPLIED FOR INSTRUCTION AND THE TOTAL NUMBER OF ADULTS WHO WERE  
36 DENIED INSTRUCTION UNDER THIS SECTION BECAUSE THE APPLICANT WAS NOT A CITIZEN  
37 OR LEGAL RESIDENT OF THE UNITED STATES OR WAS NOT OTHERWISE LAWFULLY PRESENT  
38 IN THE UNITED STATES.

39 Sec. 3. Section 15-1803, Arizona Revised Statutes, is amended to read:  
40 15-1803. Alien in-state student status

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

45 B. IN ACCORDANCE WITH THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT  
46 RESPONSIBILITY ACT OF 1996 (P.L. 104-208; 110 STAT. 3009), A PERSON WHO HAS

1 NOT BEEN GRANTED REFUGEE STATUS AND WHO IS WITHOUT LAWFUL IMMIGRATION STATUS  
2 IS NOT ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT.

3 Sec. 4. Title 15, chapter 14, article 2, Arizona Revised Statutes, is  
4 amended by adding section 15-1825, to read:

5 15-1825. Nonadmission of illegal immigrants; prohibited  
6 financial assistance; report

7 A. A UNIVERSITY UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS  
8 OR A COMMUNITY COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT  
9 IN THIS STATE SHALL NOT ADMIT, ENROLL OR PERMIT THE ATTENDANCE OF A STUDENT  
10 WHO IS NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

18 C. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT AT THE END OF  
19 EACH CALENDAR QUARTER TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL  
20 NUMBER OF STUDENTS WHO APPLIED AND THE TOTAL NUMBER OF STUDENTS WHO WERE NOT  
21 ALLOWED TO ATTEND THE COMMUNITY COLLEGE OR UNIVERSITY UNDER THIS SECTION  
22 BECAUSE THE STUDENT WAS NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

25 Sec. 5. Section 46-731, Arizona Revised Statutes, is amended to read:

26 46-731. Utility assistance fund; purposes; administration;  
27 nonreversion; reimbursement for administrative costs;  
28 report; definitions

29 A. A utility assistance fund is established to provide eligible  
30 recipients with assistance in making utility deposits and owner repairs or  
31 replacement of utility related appliances or systems. The department shall  
32 administer the fund. Monies in the utility assistance fund shall not exceed  
33 one million dollars. Any amount in excess of one million dollars shall be  
34 deposited in the state general fund. Eligible recipients are individuals **WHO**  
35 **ARE CITIZENS OR LEGAL RESIDENTS OF THE UNITED STATES OR OTHERWISE LAWFULLY**  
36 **PRESENT IN THE UNITED STATES**, who are in crisis situations requiring utility  
37 repair, deposit assistance or replacement of utility appliances or systems,  
38 who have a household income at or below one hundred twenty-five per cent of  
39 the poverty level or who are sixty years of age or older or handicapped and  
40 who have a household income at or below one hundred fifty per cent of the  
41 poverty level. The need for replacement of utility related appliances or  
42 systems shall be related to a documented crisis situation. Replacement of  
43 utility related appliances is limited to situations in which repair costs  
44 exceed replacement cost or an appliance is found to be inoperable with  
45 repairs. For the purposes of this subsection, the poverty level is as

1 determined by the United States office of management and budget and reported  
2 in the federal register.

3 B. A deposit, including any interest on the deposit, that is made by a  
4 subscriber with a utility to secure payment or any amount that is paid in  
5 advance for utility services to be furnished, less any lawful deductions or  
6 any amount held by a utility that the utility has been ordered to refund by a  
7 court or administrative agency, and that remains unclaimed by the subscriber  
8 for more than two years after the termination of the services for which the  
9 deposit or advance payment was made, or for more than two years after the  
10 refund becomes payable and distribution occurs pursuant to the final order of  
11 the court or administrative agency that has jurisdiction to establish the  
12 terms and conditions of the refund, is presumed abandoned and shall be  
13 transmitted annually to the department of revenue for deposit in the utility  
14 assistance fund. Any utility that delivers these refund payments to the  
15 department of revenue in good faith is relieved of all liability to the  
16 extent of any refund payment delivered for any claim then existing or that  
17 thereafter may arise or be made in respect to the property. This subsection  
18 does not apply to any refund subject to section 44-302, subsection A,  
19 paragraph 11 or to any refund that the court or agency order provides will be  
20 held by a person other than the utility.

21 C. The director shall provide the use of the utility assistance fund  
22 monies to designated community action or other agencies currently providing  
23 energy assistance that in the judgment of the director offer assistance  
24 services to individuals who are eligible under subsection A of this section  
25 to receive assistance under this article. The utility assistance fund monies  
26 shall be coordinated with all other state and federal energy assistance  
27 programs. An amount of not more than ten per cent of the fund monies may be  
28 designated for sewer and water system repairs. The director shall not  
29 disburse an amount of more than thirty-five per cent of all monies to the  
30 agencies during any quarter.

31 D. The agencies selected by the director shall disburse monies for  
32 payment of utility deposits by checks payable to the utility. These payments  
33 may be made in a batch process. The agencies selected by the director shall  
34 disburse monies for the payment of owner utility repairs and replacements by  
35 checks payable to the repairer or replacement entity on behalf of the client  
36 on satisfactory completion of the work. The client shall indicate in writing  
37 that the repairs and replacements have been completed before payment is made.

38 E. The department of revenue shall annually report to the department  
39 of economic security the amounts the utility assistance fund receives from  
40 each utility that requires a fee to be deposited in order to receive its  
41 services. The department of economic security shall report these amounts to  
42 the agencies.

43 F. Refunds by the utilities for deposits made by the utility  
44 assistance fund shall be transmitted to the department of revenue for deposit  
45 in the fund. These refunds are subject to the established tariffs, rules and  
46 procedures of the utilities.

1 G. The utilities, the department and the designated community action  
2 or other agencies currently providing energy assistance shall inform the  
3 public of the utility assistance fund.

4 H. Except as provided in subsection A of this section, monies in the  
5 utility assistance fund do not revert to the state general fund.

6 I. An amount of not more than two per cent of the utility assistance  
7 fund monies may be used by the department and an amount of not more than  
8 eight per cent of the fund monies may be used by the agencies to reimburse  
9 them for their administrative costs in providing services under this article.

10 J. THE DEPARTMENT SHALL REPORT AT THE END OF EACH CALENDAR QUARTER TO  
11 THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF INDIVIDUALS WHO  
12 REQUESTED ASSISTANCE AND THE TOTAL NUMBER OF INDIVIDUALS WHO WERE DENIED  
13 ASSISTANCE UNDER THIS SECTION BECAUSE THE INDIVIDUAL WAS NOT A CITIZEN OR  
14 LEGAL RESIDENT OF THE UNITED STATES OR WAS NOT OTHERWISE LAWFULLY PRESENT IN  
15 THE UNITED STATES.

16 K. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,  
17 GENDER, ETHNICITY OR NATIONAL ORIGIN.

18 ~~J.~~ L. For the purposes of this section:

19 1. "Crisis situations" includes a substantial loss or reduction of  
20 income, unexpected emergency expenses, a health related emergency or no  
21 income in the household. The director may adopt rules that set forth other  
22 crisis situations.

23 2. "Utility" means a person that, for public use, transmits, sells,  
24 delivers or furnishes electricity, water, gas, sewer or telecommunications  
25 services.

26 Sec. 6. Section 46-801, Arizona Revised Statutes, is amended to read:

27 46-801. Definitions

28 In this chapter, unless the context otherwise requires:

29 1. "Caretaker relative" means a relative who exercises responsibility  
30 for the day-to-day physical care, guidance and support of a child who  
31 physically resides with the relative and who is by affinity or consanguinity  
32 or by court decree a grandparent, great-grandparent, sibling of the whole or  
33 half blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-uncle or  
34 first cousin.

35 2. "Cash assistance" has the same meaning prescribed in section  
36 46-101.

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

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

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

44 6. "Child care home provider" means a person who is at least eighteen  
45 years of age, who is not the parent, guardian, caretaker relative or  
46 noncertified relative provider of a child needing child care and who is

1 certified by the department to care for four or fewer children for  
2 compensation with child care assistance monies.

3 7. "Child care providers" means child care facilities licensed  
4 pursuant to title 36, chapter 7.1, article 1, child care group homes  
5 certified pursuant to title 36, chapter 7.1, article 4, child care home  
6 providers, in-home providers, noncertified relative providers and regulated  
7 child care on military installations or for federally recognized Indian  
8 tribes.

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

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

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

21 11. "Noncertified relative provider" means a person who is at least  
22 eighteen years of age, who provides child care services to an eligible child,  
23 who is by affinity or consanguinity or by court decree the grandparent,  
24 great-grandparent, sibling not residing in the same household, aunt, great-  
25 aunt, uncle or great-uncle of the eligible child and who meets the  
26 department's requirements to be a noncertified relative provider.

27 12. "Parent" or "parents" means the natural or adoptive parents of a  
28 child.

29 Sec. 7. Section 46-803, Arizona Revised Statutes, is amended to read:  
30 **46-803. Eligibility for child care assistance; report**

31 A. The department shall provide child care assistance to eligible  
32 families who are attempting to achieve independence from the cash assistance  
33 program and who need child care assistance in support of and as specified in  
34 their personal responsibility agreement pursuant to chapters 1 and 2 of this  
35 title.

36 B. The department shall provide child care assistance to eligible  
37 families who are transitioning off of cash assistance due to increased  
38 earnings or child support income in order to accept or maintain  
39 employment. Eligible families must request this assistance within six months  
40 after the cash assistance case closure. Child care assistance may be  
41 provided for up to twenty-four months after the case closure and shall cease  
42 whenever the family income exceeds one hundred sixty-five per cent of the  
43 federal poverty level.

44 C. The department shall provide child care assistance to eligible  
45 families who are diverted from cash assistance pursuant to section 46-298 in  
46 order to obtain or maintain employment. Child care assistance may be



1 provided for up to twenty-four months after the case closure and shall cease  
2 whenever the family income exceeds one hundred sixty-five per cent of the  
3 federal poverty level.

4 D. The department may provide child care assistance to support  
5 eligible families with incomes of one hundred sixty-five per cent or less of  
6 the federal poverty level to accept or maintain employment. Priority for  
7 this child care assistance shall be given to families with incomes of one  
8 hundred per cent or less of the federal poverty level.

9 E. The department may provide child care assistance to families  
10 referred by child protective services and to children in foster care pursuant  
11 to title 8, chapter 5 to support child protection.

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

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

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

33 I. Beginning March 12, 2003, the department shall establish waiting  
34 lists for child care assistance and prioritize child care assistance for  
35 different eligibility categories in order to manage within appropriated and  
36 available monies.

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

39 1. Whether there is a parent, legal guardian or caretaker relative  
40 available to care for the child.

41 2. Financial or programmatic eligibility changes or ineligibility.

42 3. Failure to cooperate with the requirements of the department to  
43 determine or redetermine eligibility.

44 4. Hours of child care need that fall within the child's compulsory  
45 academic school hours.

- 1           5. Reasonably accessible and available publicly funded early childhood  
2 education programs.
- 3           6. Whether an otherwise eligible family has been sanctioned and cash  
4 assistance has been terminated pursuant to chapter 2 of this title.
- 5           7. Other circumstances of a similar nature.
- 6           8. Whether sufficient monies exist for the assistance.
- 7           K. The department shall review each case at least once a year to  
8 evaluate eligibility for child care assistance.
- 9           L. THE DEPARTMENT SHALL REPORT AT THE END OF EACH CALENDAR QUARTER TO  
10 THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF FAMILIES WHO  
11 APPLIED FOR CHILD CARE ASSISTANCE AND THE TOTAL NUMBER OF FAMILIES WHO WERE  
12 DENIED ASSISTANCE UNDER THIS SECTION BECAUSE THE PARENTS, LEGAL GUARDIANS OR  
13 CARETAKER RELATIVES WHO APPLIED FOR ASSISTANCE WERE NOT CITIZENS OR LEGAL  
14 RESIDENTS OF THE UNITED STATES OR WERE NOT OTHERWISE LAWFULLY PRESENT IN THE  
15 UNITED STATES.
- 16           M. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,  
17 GENDER, ETHNICITY OR NATIONAL ORIGIN.
- 18           ~~L~~ N. Notwithstanding section 35-173, monies appropriated for the  
19 purposes of this section shall not be used for any other purpose without the  
20 approval of the joint legislative budget committee.