

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2060

(Reference to printed resolution)

1 Page 1, line 15, after the semicolon insert "AMENDING TITLE 41, CHAPTER 57,  
2 ARIZONA REVISED STATUTES BY ADDING ARTICLE 2;"

3 Line 21, strike "disbursement requirement" insert "enrollment and removal  
4 requirements"

5 Line 22, after "concern" insert ";definition"

6 Line 23, after "A." insert "ON OR AFTER JANUARY 1, 2026,"

7 Line 27, strike "DISBURSING PUBLIC WELFARE MONIES" insert "ENROLLING THE  
8 RECIPIENT IN THE PUBLIC WELFARE PROGRAM UNLESS STATE LAW EXPRESSLY STATES  
9 THAT A PERSON WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE FOR THE  
10 FINANCIAL AID OR BENEFIT"

11 Between lines 29 and 30, insert:

12 "B. ON OR BEFORE JANUARY 1, 2029, EACH CITY OR TOWN SHALL USE THE  
13 E-VERIFY PROGRAM TO CONFIRM THAT EACH NON-UNITED STATES CITIZEN WHO IS  
14 RECEIVING FINANCIAL AID OR ANY BENEFIT THROUGH A PUBLIC WELFARE PROGRAM IS  
15 LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW. IF A CITY OR TOWN  
16 CANNOT VERIFY THE LAWFUL PRESENCE OF AN ADULT RECIPIENT, THE CITY OR TOWN  
17 SHALL PROMPTLY REMOVE THE RECIPIENT FROM THE PUBLIC WELFARE PROGRAM AND  
18 DISCONTINUE THE PROVISION OF FINANCIAL AID OR BENEFIT TO THAT RECIPIENT  
19 UNLESS STATE LAW EXPRESSLY STATES THAT A PERSON WITHOUT LAWFUL IMMIGRATION  
20 STATUS IS ELIGIBLE FOR THE FINANCIAL AID OR BENEFIT."

21 Reletter to conform

22 Between lines 33 and 34, insert:

1 "D. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WELFARE PROGRAM" MEANS  
2 ANY PROGRAM ADMINISTERED BY A CITY OR TOWN THAT PROVIDES AN INDIVIDUAL WITH  
3 FINANCIAL AID IN THE AMOUNT OF AT LEAST \$500 PER YEAR OR ANY BENEFIT WITH A  
4 VALUE OF AT LEAST \$500 PER YEAR, INCLUDING BENEFITS THAT RELATE TO HEALTH,  
5 DISABILITY, PUBLIC OR ASSISTED HOUSING, FOOD ASSISTANCE OR UNEMPLOYMENT."

6 Page 1, line 37, strike "disbursement requirement" insert "enrollment and removal  
7 requirements"

8 Line 38, after "concern" insert "": definition"

9 Line 39, after "A." insert "ON OR AFTER JANUARY 1, 2026,"

10 Line 43, strike "DISBURSING PUBLIC WELFARE MONIES" insert "ENROLLING THE  
11 RECIPIENT IN THE PUBLIC WELFARE PROGRAM UNLESS STATE LAW EXPRESSLY STATES  
12 THAT A PERSON WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE FOR THE  
13 FINANCIAL AID OR BENEFIT"

14 After line 44, insert:

15 "B. ON OR BEFORE JANUARY 1, 2029, EACH COUNTY SHALL USE THE E-VERIFY  
16 PROGRAM TO CONFIRM THAT EACH NON-UNITED STATES CITIZEN WHO IS RECEIVING  
17 FINANCIAL AID OR ANY BENEFIT THROUGH A PUBLIC WELFARE PROGRAM IS LAWFULLY  
18 PRESENT IN THE UNITED STATES UNDER FEDERAL LAW. IF A COUNTY CANNOT VERIFY  
19 THE LAWFUL PRESENCE OF AN ADULT RECIPIENT, THE COUNTY SHALL PROMPTLY REMOVE  
20 THE RECIPIENT FROM THE PUBLIC WELFARE PROGRAM AND DISCONTINUE THE PROVISION  
21 OF FINANCIAL AID OR BENEFIT TO THAT RECIPIENT UNLESS STATE LAW EXPRESSLY  
22 STATES THAT A PERSON WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE FOR THE  
23 FINANCIAL AID OR BENEFIT."

24 Reletter to conform

25 Page 2, between lines 4 and 5, insert:

26 "D. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WELFARE PROGRAM" MEANS  
27 ANY PROGRAM ADMINISTERED BY A COUNTY THAT PROVIDES AN INDIVIDUAL WITH  
28 FINANCIAL AID IN THE AMOUNT OF AT LEAST \$500 PER YEAR OR ANY BENEFIT WITH A  
29 VALUE OF AT LEAST \$500 PER YEAR, INCLUDING BENEFITS THAT RELATE TO HEALTH,  
30 DISABILITY, PUBLIC OR ASSISTED HOUSING, FOOD ASSISTANCE OR UNEMPLOYMENT."

31 Line 8, after "classification" insert "": definition"

1 Page 2, line 10, strike "BY COMMITTING" insert "WHEN THE PERSON, ACTING ALONE OR  
2 IN CONJUNCTION WITH ANOTHER PERSON, COMMITS"

3 Line 11, after "OFFENSE" strike remainder of line

4 Line 12, strike "ASSOCIATION WITH ANY PERSON WHO HAS" insert "WITH"

5 Line 13, strike "PERSON FROM USING" insert "PERSON'S DUTY TO USE"

6 Between lines 14 and 15, insert:

7 "B. AN EMPLOYER COMMITS OBSTRUCTION OF THE LEGAL DUTY TO USE  
8 E-VERIFY IF THE EMPLOYER KNOWINGLY REFUSES TO VERIFY THE EMPLOYMENT  
9 ELIGIBILITY OF A PERSON THROUGH THE E-VERIFY PROGRAM AS REQUIRED IN SECTION  
10 23-214 WHEN THE EMPLOYER KNOWS OR HAS REASON TO KNOW THAT THE PERSON IS NOT  
11 LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW."

12 Reletter to conform

13 Line 15, strike "PERSON WHO VIOLATES" insert "VIOLATION OF"; strike "GUILTY  
14 OF"

15 Between lines 16 and 17, insert:

16 "D. FOR THE PURPOSES OF THIS SECTION, "EMPLOYER" HAS THE SAME  
17 MEANING PRESCRIBED IN SECTION 23-211."

18 Page 4, line 5, after "employers" insert "; attorney general; county attorney;  
19 civil penalty; affirmative defense; applicability"

20 Line 6, after "~~2007~~," insert "THROUGH DECEMBER 31, 2025,"

21 Line 7, strike "INDEPENDENT CONTRACTOR OR SUBCONTRACTOR"

22 Line 8, strike the comma

23 Line 9, strike "INDEPENDENT CONTRACTOR OR SUBCONTRACTOR"

24 Lines 11 and 12, strike ", INDEPENDENT CONTRACTOR'S OR SUBCONTRACTOR'S"

25 Between lines 13 and 14, insert:

26 "B. ON OR AFTER JANUARY 1, 2026, EVERY EMPLOYER, AFTER HIRING AN  
27 EMPLOYEE, INDEPENDENT CONTRACTOR OR SUBCONTRACTOR, EXCEPT FOR AN  
28 INDEPENDENT CONTRACTOR OR SUBCONTRACTOR THAT IS PAID LESS THAN \$600 PER  
29 YEAR BY THE EMPLOYER OR THAT HAS RECEIVED EMPLOYMENT AUTHORIZATION  
30 DOCUMENTS FROM THE FEDERAL GOVERNMENT, SHALL VERIFY THE EMPLOYMENT  
31 ELIGIBILITY OF THE EMPLOYEE, INDEPENDENT CONTRACTOR OR SUBCONTRACTOR  
32 THROUGH THE E-VERIFY PROGRAM AND SHALL KEEP A RECORD OF THE VERIFICATION

1 FOR THE DURATION OF THE EMPLOYEE'S, INDEPENDENT CONTRACTOR'S OR  
2 SUBCONTRACTOR'S EMPLOYMENT OR AT LEAST THREE YEARS, WHICHEVER IS LONGER.  
3 THIS SUBSECTION DOES NOT APPLY TO DIRECT SELLERS AS DEFINED IN 26 UNITED  
4 STATES CODE SECTION 3508(b)(2)."

5 Reletter to conform

6 Page 4, after line 43, insert:

7 "E. ON OR AFTER JANUARY 1, 2026, ON RECEIPT OF A COMPLAINT ALLEGING  
8 THAT AN EMPLOYER KNOWINGLY REFUSED TO VERIFY THE EMPLOYMENT ELIGIBILITY OF  
9 A PERSON AS REQUIRED UNDER SUBSECTION A OR B OF THIS SECTION, THE ATTORNEY  
10 GENERAL OR COUNTY ATTORNEY SHALL INVESTIGATE WHETHER THE EMPLOYER VIOLATED  
11 SUBSECTION A OR B OF THIS SECTION AND ANY OTHER PROVISION OF THIS ARTICLE.  
12 THE COUNTY SHERIFF OR ANY OTHER LOCAL LAW ENFORCEMENT AGENCY MAY ASSIST IN  
13 THE INVESTIGATION OF THE COMPLAINT.

14 F. ON OR AFTER JANUARY 1, 2026, IF, AFTER AN INVESTIGATION, THE  
15 ATTORNEY GENERAL OR COUNTY ATTORNEY DETERMINES THAT AN EMPLOYER KNOWINGLY  
16 VIOLATED THIS SECTION AND INTENTIONALLY OR KNOWINGLY EMPLOYED AN  
17 UNAUTHORIZED ALIEN IN VIOLATION OF SECTION 23-212 OR 23-212.01, THE  
18 ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN WHICH AN ALLEGED  
19 VIOLATION OF THIS ARTICLE OCCURRED MAY FILE AN ACTION IN SUPERIOR COURT TO  
20 ENFORCE THIS SECTION.

21 G. ON OR AFTER JANUARY 1, 2026, IF THE SUPERIOR COURT FINDS THAT AN  
22 EMPLOYER KNOWINGLY VIOLATED THIS SECTION AND THAT THE EMPLOYER'S VIOLATION  
23 OF THIS SECTION CAUSED THE EMPLOYER TO VIOLATE SECTION 23-212 OR 23-212.01,  
24 THE EMPLOYER IS LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN \$10,000 FOR  
25 EACH UNAUTHORIZED ALIEN EMPLOYED IN VIOLATION OF THIS ARTICLE. THE  
26 SUPERIOR COURT SHALL ORDER THE CIVIL PENALTIES TO BE PAID AS FOLLOWS:

27 1. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE ATTORNEY  
28 GENERAL, TO THE OFFICE OF THE ATTORNEY GENERAL TO DEFRAY THE COSTS OF  
29 ENFORCEMENT.

30 2. FOR CIVIL PENALTIES ORDERED IN AN ACTION FILED BY THE COUNTY  
31 ATTORNEY, TO THE OFFICE OF THE COUNTY TREASURER FOR DEPOSIT IN THE COUNTY  
32 GENERAL FUND.

1 H. ON OR AFTER JANUARY 1, 2026, THE CIVIL PENALTIES PRESCRIBED BY  
2 SUBSECTION G OF THIS SECTION ARE SUPPLEMENTARY TO THE PROVISIONS OF THIS  
3 ARTICLE.

4 I. ON OR AFTER JANUARY 1, 2026, IT IS AN AFFIRMATIVE DEFENSE IN AN  
5 ACTION UNDER THIS SECTION THAT THE EMPLOYER COMPLIED IN GOOD FAITH WITH THE  
6 REQUIREMENTS OF 8 UNITED STATES CODE SECTION 1324 (a) AND (b). AN EMPLOYER  
7 IS CONSIDERED TO HAVE COMPLIED WITH THE REQUIREMENTS OF 8 UNITED STATES  
8 CODE SECTION 1324 (a) AND (b) NOTWITHSTANDING AN ISOLATED, SPORADIC OR  
9 ACCIDENTAL TECHNICAL OR PROCEDURAL FAILURE TO MEET THE REQUIREMENTS IF THE  
10 EMPLOYER MADE A GOOD FAITH ATTEMPT TO COMPLY WITH THE REQUIREMENTS.

11 J. ON OR AFTER JANUARY 1, 2026, THIS SECTION DOES NOT:

12 1. REQUIRE AN INDEPENDENT CONTRACTOR OR SUBCONTRACTOR TO CONDUCT A  
13 SELF-VERIFICATION.

14 2. REQUIRE AN EMPLOYER TO USE THE E-VERIFY PROGRAM FOR AN EMPLOYEE,  
15 INDEPENDENT CONTRACTOR OR SUBCONTRACTOR IF THE EMPLOYER HAS ALREADY  
16 CONFIRMED THAT THE EMPLOYEE, INDEPENDENT CONTRACTOR OR SUBCONTRACTOR IS  
17 ELIGIBLE FOR EMPLOYMENT THROUGH THE E-VERIFY PROGRAM."

18 Page 5, line 6, after "A." insert "ON OR AFTER JANUARY 1, 2026,"

19 Between lines 16 and 17, insert:

20 "Sec. 7. Title 41, chapter 57, Arizona Revised Statutes, is amended  
21 by adding article 2, to read:

22 ARTICLE 2. PUBLIC PROGRAMS

23 41-5911. E-verify program; public welfare monies; enrollment  
24 and removal requirements; statewide concern;  
25 definition

26 A. ON OR AFTER JANUARY 1, 2026, IF A STATE AGENCY RECEIVES STATE  
27 MONIES FOR WHICH A PORTION IS USED TO FUND ANY PUBLIC WELFARE PROGRAM, THE  
28 STATE AGENCY SHALL VERIFY THAT AN ADULT RECIPIENT IS LAWFULLY PRESENT IN  
29 THE UNITED STATES UNDER FEDERAL LAW BY USING THE E-VERIFY PROGRAM BEFORE  
30 ENROLLING THE RECIPIENT IN THE PROGRAM UNLESS STATE LAW EXPRESSLY STATES  
31 THAT A PERSON WITHOUT LAWFUL IMMIGRATION STATUS IS ELIGIBLE FOR THE

1 FINANCIAL AID OR BENEFIT AND SHALL KEEP A RECORD OF THE VERIFICATION FOR AT  
2 LEAST THREE YEARS.

3 B. ON OR BEFORE JANUARY 1, 2029, EACH STATE AGENCY SHALL USE THE  
4 E-VERIFY PROGRAM TO CONFIRM THAT EACH NON-UNITED STATES CITIZEN WHO IS  
5 RECEIVING FINANCIAL AID OR ANY BENEFIT THROUGH A PUBLIC WELFARE PROGRAM IS  
6 LAWFULLY PRESENT IN THE UNITED STATES UNDER FEDERAL LAW. IF A STATE AGENCY  
7 CANNOT VERIFY THE LAWFUL PRESENCE OF AN ADULT RECIPIENT, THE STATE AGENCY  
8 SHALL PROMPTLY REMOVE THE RECIPIENT FROM THE PUBLIC WELFARE PROGRAM AND  
9 DISCONTINUE THE PROVISION OF FINANCIAL AID OR BENEFIT TO THAT RECIPIENT  
10 UNLESS STATE LAW EXPRESSLY STATES THAT A PERSON WITHOUT LAWFUL IMMIGRATION  
11 STATUS IS ELIGIBLE FOR THE FINANCIAL AID OR BENEFIT.

12 C. DUE TO THE ECONOMIC AND FISCAL IMPACT OF ILLEGAL IMMIGRATION ON  
13 THIS STATE, REGULATION OF PUBLIC WELFARE PROGRAMS THAT USE STATE MONIES IS  
14 A MATTER OF STATEWIDE CONCERN.

15 D. FOR THE PURPOSES OF THIS SECTION, "PUBLIC WELFARE PROGRAM" MEANS  
16 ANY PROGRAM ADMINISTERED BY A STATE AGENCY THAT PROVIDES AN INDIVIDUAL WITH  
17 FINANCIAL AID IN THE AMOUNT OF AT LEAST \$500 PER YEAR OR ANY BENEFIT WITH A  
18 VALUE OF AT LEAST \$500 PER YEAR, INCLUDING BENEFITS THAT RELATE TO HEALTH,  
19 DISABILITY, PUBLIC OR ASSISTED HOUSING, FOOD ASSISTANCE OR UNEMPLOYMENT."

20 Renumber to conform

21 Amend title to conform

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