



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
Second Regular Session

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## **HCR2060: lawful presence; e-verify program; penalties**

**Sponsor: Representative Toma, LD 27**

**Committee on Appropriations**

### **Overview**

Submits a proposition to the voters relating to employment and the use of the E-Verify program.

### **History**

Each employer must use the E-Verify program after hiring an employee to verify the employment eligibility of the employee and must keep a record of the verification for the duration of the employee's employment or at least three years, whichever is longer. An *employer* is defined as any individual or type of organization that transacts business in Arizona. Employer includes this state, any political subdivision and self-employed individuals. In the case of an independent contractor, employer means the independent contractor and does not include the person or organization that uses the contract labor ([A.R.S. § 23-211](#)).

### **Provisions**

1. Requires a municipality or county that receive state monies for a public welfare program to use the E-Verify program to verify the adult recipient is lawfully present in the United States under federal law before disbursing public welfare monies.
2. Directs the municipality or county to keep a record of the citizen verification for at least three years.
3. Establishes that due to the economic and fiscal impact of illegal immigration on Arizona, regulating public welfare programs that use state monies is a matter of statewide concern.
4. States that a person commits obstruction of the legal duty to use E-Verify by committing any completed or preparatory offense for the benefit of any person who has the intent to obstruct a person from using the E-Verify program and a violation is a class 6 felony.
5. Modifies the definition of *employer* within statute relating to employment practices by including, rather than excluding, a person or organization that uses contract labor.
6. Includes an independent contractor or subcontractor to the requirement of an employer to use the E-Verify program after hiring.
7. Requires an agency to verify an applicant is lawfully present in the United States by using the E-Verify program before issuing a document or license and must keep this record for at least three years.
8. Defines *agency* and *license*.
9. Entitles this Act the *Protecting Arizona Against Illegal Immigration Act*.

10. Directs the Secretary of State to submit this proposition to the voters at the next general election.

11. Makes technical changes.

Prop 105 (45 votes)     Prop 108 (40 votes)     Emergency (40 votes)     Fiscal Note