

(EMERGENCY NOT ENACTED BY THE SENATE)

House Engrossed

border security fund; administration

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2591

AN ACT

AMENDING SECTION 26-105, ARIZONA REVISED STATUTES; RELATING TO THE BORDER SECURITY FUND.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 26-105, Arizona Revised Statutes, is amended to
3 read:

4 26-105. Border security fund; exemption; reimbursement

5 A. The border security fund is established and consists of
6 legislative appropriations, gifts, grants and other donations. The
7 department of emergency and military affairs shall administer the fund.
8 Monies in the fund are continuously appropriated to the department of
9 emergency and military affairs and may be used for the following purposes:

- 10 1. Preventing human trafficking.
- 11 2. Preventing entry into the United States of:
 - 12 (a) Aliens who are unlawfully present in the United States.
 - 13 (b) Terrorists and instruments of terrorism.
 - 14 (c) Contraband, including narcotics and other controlled
15 substances.
- 16 3. Planning, designing, constructing and maintaining
17 transportation, technology and commercial vehicle inspection
18 infrastructure near this state's international border.
- 19 4. Clearing nonindigenous plants.
- 20 5. Administering and managing the construction and maintenance of a
21 physical border fence.
- 22 6. Awarding grants to counties to provide housing in secure
23 facilities.
- 24 7. Awarding grants to counties for prosecuting individuals who
25 commit crimes listed in this subsection.

26 B. IN ADDITION TO THE APPROPRIATIONS PRESCRIBED IN SUBSECTION A OF
27 THIS SECTION, THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS MAY USE UP
28 TO \$250,000 FROM THE BORDER SECURITY FUND EACH FISCAL YEAR TO ADMINISTER
29 THIS SECTION. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT OF EMERGENCY
30 AND MILITARY AFFAIRS IS AUTHORIZED ADDITIONAL FULL-TIME EQUIVALENT
31 POSITIONS PAID FROM THE APPROPRIATION MADE BY THIS SUBSECTION TO
32 ADMINISTER THIS SECTION.

33 ~~B.~~ C. The department of emergency and military affairs must consult
34 with the following entities before spending any monies from the fund for
35 the purpose provided in:

- 36 1. Subsection A of this section, the department of public safety.
- 37 2. Subsection A, paragraph 3 of this section, the department of
38 transportation.
- 39 3. Subsection A, paragraph 4 of this section, the Arizona
40 department of forestry and fire management.
- 41 4. Subsection A, paragraph 5, 6 or 7 of this section, the
42 department of administration.

43 ~~C.~~ D. Monies in the fund are exempt from the provisions of section
44 35-190 relating to lapsing of appropriations.

1 ~~D.~~ E. The governor shall request the federal government to
2 reimburse state monies spent from the fund pursuant to this section. The
3 reimbursements shall be deposited, pursuant to sections 35-146 and 35-147,
4 in the state general fund.

5 (EMERGENCY NOT ENACTED)

6 Sec. 2. Emergency

7 This act is an emergency measure that is necessary to preserve the
8 public peace, health or safety and is operative immediately as provided by
9 law.