

**(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

**CHAPTER 183**

**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.

APPROVED BY THE GOVERNOR APRIL 25, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2022.