

REFERENCE TITLE: immigration law; appropriation

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## HB 2751

Introduced by  
Representatives Pearce, Kavanagh, Barnes, Boone, Burges, Farnsworth, Groe,  
Murphy, Yarbrough, Senators Bee, Blendu, Verschoor: Representatives  
Anderson, Biggs, Clark, Crump, McClure, McComish, McLain, Nelson, Nichols,  
Robson, Stump, Weiers J, Senators Burns, Gould, Gray L, Harper,  
Huppenthal, Johnson

AN ACT

AMENDING TITLE 11, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8;  
AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 20; AMENDING  
TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION  
41-3017.01; MAKING AN APPROPRIATION; RELATING TO IMMIGRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 11, chapter 7, Arizona Revised Statutes, is amended  
3 by adding article 8, to read:

4 ARTICLE 8. ENFORCEMENT OF IMMIGRATION LAWS

5 11-1051. Cooperation and assistance in enforcement of  
6 immigration laws

7 A. ALL OFFICIALS, AGENCIES AND PERSONNEL OF COUNTIES, CITIES AND TOWNS  
8 SHALL FULLY COMPLY WITH AND, TO THE FULL EXTENT PERMITTED BY LAW, SUPPORT THE  
9 ENFORCEMENT OF FEDERAL IMMIGRATION LAWS OF THE UNITED STATES.

10 B. EXCEPT AS PROVIDED IN FEDERAL LAW, OFFICIALS, AGENCIES OR PERSONNEL  
11 OF COUNTIES, CITIES AND TOWNS MAY NOT BE PROHIBITED OR IN ANY WAY RESTRICTED  
12 FROM SENDING, RECEIVING OR MAINTAINING INFORMATION RELATING TO THE  
13 IMMIGRATION STATUS, LAWFUL OR UNLAWFUL, OF ANY INDIVIDUAL OR EXCHANGING THAT  
14 INFORMATION WITH ANY OTHER FEDERAL, STATE OR LOCAL GOVERNMENTAL ENTITY FOR  
15 THE FOLLOWING OFFICIAL PURPOSES:

16 1. DETERMINATION OF ELIGIBILITY FOR ANY FEDERAL, STATE OR LOCAL PUBLIC  
17 BENEFIT, SERVICE OR LICENSE THAT IS RESTRICTED IN WHOLE OR IN PART ON THE  
18 BASIS OF IMMIGRATION STATUS.

19 2. VERIFICATION OF ANY CLAIM OF LEGAL DOMICILE IF LEGAL DOMICILE IS  
20 REQUIRED BY LAW OR CONTRACT.

21 3. CONFIRMATION OF THE IDENTITY OF ANY PERSON WHO IS DETAINED AND WHO  
22 CLAIMS NOT TO BE A CITIZEN OF THE UNITED STATES.

23 C. COUNTY SHERIFFS AND POLICE DEPARTMENTS OF CITIES AND TOWNS MAY  
24 IMPLEMENT A PROGRAM TO TRAIN PEACE OFFICERS TO INVESTIGATE VIOLATIONS OF  
25 FEDERAL IMMIGRATION LAWS. THE TRAINING SHALL BE FUNDED BY ANY SOURCE OF  
26 FEDERAL FUNDING OR THE STATE IF FEDERAL FUNDING IS UNAVAILABLE.

27 D. THE REQUIREMENTS AND OBLIGATIONS OF THIS SECTION SHALL BE  
28 IMPLEMENTED IN A MANNER FULLY CONSISTENT WITH FEDERAL LAW REGULATING  
29 IMMIGRATION AND PROTECTING THE CIVIL RIGHTS OF CITIZENS AND ALIENS INCLUDING  
30 COMPLIANCE WITH THE FEDERAL CASES OF UNITED STATES v. DI RE, 332 U.S. 581  
31 (1948), UNITED STATES v. JANIK, 723 F.2d 537 (7<sup>TH</sup> CIR. 1983) AND UNITED STATES  
32 v. SALINAS-CALDERON, 728 F.2d 1298 (10<sup>TH</sup> CIR. 1984) AND COMPLIANCE WITH 8  
33 UNITED STATES CODE SECTION 1644.

34 Sec. 2. Title 41, Arizona Revised Statutes, is amended by adding  
35 chapter 20, to read:

36 CHAPTER 20

37 ARIZONA BORDER ENFORCEMENT SECURITY TEAM

38 ARTICLE 1. GENERAL PROVISIONS

39 41-2351. Arizona border enforcement security team; members;  
40 powers and duties; fund; limitation

41 A. THE ARIZONA BORDER ENFORCEMENT SECURITY TEAM IS ESTABLISHED  
42 CONSISTING OF THE FOLLOWING MEMBERS:

43 1. THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OR THE DIRECTOR'S  
44 DESIGNEE.

- 1           2. ONE MEMBER OF THE HOUSE OF REPRESENTATIVES WHO IS APPOINTED BY THE  
2 SPEAKER OF THE HOUSE OF REPRESENTATIVES.
- 3           3. ONE MEMBER OF THE SENATE WHO IS APPOINTED BY THE PRESIDENT OF THE  
4 SENATE.
- 5           4. ONE MEMBER OF THE PUBLIC WHO IS APPOINTED BY THE SPEAKER OF THE  
6 HOUSE OF REPRESENTATIVES.
- 7           5. ONE MEMBER OF THE PUBLIC WHO IS APPOINTED BY THE PRESIDENT OF THE  
8 SENATE.
- 9           6. ONE MUNICIPAL LAW ENFORCEMENT MEMBER WHO IS APPOINTED BY THE  
10 ARIZONA ASSOCIATION OF CHIEFS OF POLICE FROM A SOUTHERN ARIZONA BORDER CITY.
- 11           7. TWO COUNTY LAW ENFORCEMENT MEMBERS WHO ARE APPOINTED BY THE ARIZONA  
12 COUNTY SHERIFFS ASSOCIATION, ONE OF WHOM SHALL BE FROM A COUNTY WITH A  
13 POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PERSONS AND ONE OF  
14 WHOM SHALL BE FROM A SOUTHERN ARIZONA BORDER COUNTY.
- 15           8. ONE CITY PROSECUTOR WHO IS APPOINTED BY THE ARIZONA PROSECUTING  
16 ATTORNEYS ADVISORY COUNCIL.
- 17           9. TWO COUNTY ATTORNEYS WHO ARE APPOINTED BY THE ARIZONA PROSECUTING  
18 ATTORNEYS ADVISORY COUNCIL, ONE OF WHOM SHALL BE FROM A COUNTY WITH A  
19 POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PERSONS.
- 20           B. MEMBERS SERVE AT THE PLEASURE OF THE APPOINTING OFFICER AND, IN THE  
21 CASE OF ELECTED OFFICIALS, UNTIL THEIR ELECTIVE TERM OF OFFICE EXPIRES.
- 22           C. MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 4, 5, 6, 7,  
23 8 AND 9 OF THIS SECTION SHALL SERVE STAGGERED THREE YEAR TERMS.
- 24           D. MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS 2 AND 3 OF  
25 THIS SECTION SHALL SERVE AS ADVISORY NONVOTING MEMBERS AND ARE NOT MEMBERS  
26 FOR PURPOSES OF DETERMINING WHETHER A QUORUM IS PRESENT.
- 27           E. THE VOTING MEMBERS SHALL ANNUALLY ELECT A CHAIRPERSON FROM AMONG  
28 THE MEMBERS AND A MEMBER SHALL NOT SERVE CONSECUTIVE TERMS AS CHAIRPERSON.
- 29           F. MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION BUT VOTING MEMBERS  
30 ARE ELIGIBLE FOR REIMBURSEMENT OF EXPENSES PURSUANT TO TITLE 38, CHAPTER 4,  
31 ARTICLE 2.
- 32           G. THE TEAM MAY USE THE STAFF OF THE DEPARTMENT OF EMERGENCY AND  
33 MILITARY AFFAIRS AND THE DEPARTMENT'S FACILITIES FOR MEETINGS.
- 34           H. THE TEAM MAY ENTER INTO INTERAGENCY AGREEMENTS FOR TEAM BUSINESS.
- 35           I. THE TEAM SHALL:
  - 36           1. AFTER REVIEW BY THE JOINT LEGISLATIVE BUDGET COMMITTEE, MAKE GRANTS  
37 FROM FIFTY PER CENT OF THE MONIES IN THE BORDER SECURITY FUND ESTABLISHED BY  
38 SUBSECTION K OF THIS SECTION TO COUNTIES FOR INCARCERATION OPERATING  
39 EXPENSES, INCLUDING TEMPORARY AND MOVABLE DETAINMENT FACILITIES, TENTS FOR  
40 IMMIGRATION CONTROL AND OPERATING AND PERSONNEL COSTS FOR THE DETAINMENT  
41 FACILITIES.
  - 42           2. AFTER REVIEW BY THE JOINT LEGISLATIVE BUDGET COMMITTEE, MAKE GRANTS  
43 FROM FIFTY PER CENT OF THE MONIES IN THE BORDER SECURITY FUND ESTABLISHED BY  
44 SUBSECTION K OF THIS SECTION TO CITY, TOWN AND COUNTY LAW ENFORCEMENT

1 AGENCIES, CITY AND TOWN PROSECUTORS AND COUNTY ATTORNEYS FOR BORDER SECURITY  
2 PERSONNEL, PHYSICAL BARRIERS AND ANY OTHER IMMIGRATION ENFORCEMENT PURPOSES.

3 3. RECEIVE QUARTERLY REPORTS FROM THE ENTITIES RECEIVING GRANTS AND  
4 EVALUATE THEIR EFFECTIVENESS.

5 4. ON OR BEFORE DECEMBER 1 OF EACH YEAR, SUBMIT TO THE GOVERNOR, THE  
6 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE  
7 JOINT LEGISLATIVE BUDGET COMMITTEE A WRITTEN REPORT ON THE EFFECTIVENESS OF  
8 THE GRANTS PROVIDED AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF  
9 STATE AND THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC  
10 RECORDS.

11 J. THE TEAM SHALL NOT MAKE GRANTS TO ANY CITY, TOWN OR COUNTY THAT HAS  
12 ANY SANCTUARY POLICY INVOLVING ANY FORM OF AID TO ILLEGAL ALIENS OR ANY  
13 REDUCED ENFORCEMENT OF ILLEGAL IMMIGRATION, AS DETERMINED BY THE TEAM.

14 K. THE BORDER SECURITY FUND IS ESTABLISHED CONSISTING OF LEGISLATIVE  
15 APPROPRIATIONS, GIFTS AND GRANTS. THE TEAM SHALL ADMINISTER THE FUND.  
16 MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT FROM THE  
17 PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. ON  
18 NOTICE FROM THE TEAM, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN  
19 THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED FROM INVESTMENTS  
20 SHALL BE CREDITED TO THE FUND.

21 Sec. 3. Title 41, chapter 27, article 2, Arizona Revised Statutes, is  
22 amended by adding section 41-3017.01, to read:

23 41-3017.01. Arizona border enforcement security team;  
24 termination July 1, 2017

25 A. THE ARIZONA BORDER ENFORCEMENT SECURITY TEAM TERMINATES ON JULY 1,  
26 2017.

27 B. TITLE 41, CHAPTER 20 IS REPEALED ON JANUARY 1, 2018.

28 Sec. 4. Appropriation; purpose; billing; exemption

29 A. The sum of \$25,000,000 is appropriated from the state general fund  
30 to the border security fund established by section 41-2351, Arizona Revised  
31 Statutes, as added by this act, in fiscal year 2007-2008 for the purposes  
32 indicated in this act.

33 B. The department of administration shall send billing invoices to the  
34 federal government to recover the amount of the appropriation in subsection A  
35 of this section for deposit in the state general fund.

36 C. The appropriation made in subsection A of this section is exempt  
37 from the provisions of section 35-190, Arizona Revised Statutes, relating to  
38 lapsing of appropriations.

39 Sec. 5. Initial terms of members of the Arizona border  
40 enforcement security team

41 A. Notwithstanding section 41-2351, Arizona Revised Statutes, as added  
42 by this act, the initial terms of members of the Arizona border enforcement  
43 security team appointed pursuant to section 41-2351, subsection A, paragraphs  
44 4, 5, 6, 7, 8 and 9, Arizona Revised Statutes, as added by this act, are:

45 1. Two terms ending January 1, 2008.

1           2. Three terms ending January 1, 2009.

2           3. Three terms ending January 1, 2010.

3           B. The appointing authorities shall make all subsequent appointments  
4 as prescribed by statute.

5           Sec. 6. Purpose

6           Pursuant to section 41-2955, subsection E, Arizona Revised Statutes,  
7 the purpose of the Arizona border enforcement security team is to make grants  
8 for border security.

9           Sec. 7. Severability; construction

10          A. If any provision of this act or its application to any person or  
11 circumstance is held invalid, the invalidity does not affect other provisions  
12 or applications of this act that can be given effect without the invalid  
13 provision or application, and to this end the provisions of this act are  
14 severable.

15          B. All provisions in this act that are relevant to immigration or the  
16 classification of aliens shall be construed to be in conformity with federal  
17 immigration law.