

REFERENCE TITLE: virtual border fence; appropriation

State of Arizona
Senate
Fifty-first Legislature
Second Regular Session
2014

SB 1106

Introduced by
Senators Worsley, Pierce; Driggs, Farnsworth D, McComish, Reagan;
Representative Livingston

AN ACT

RENUMBERING SECTION 41-108, ARIZONA REVISED STATUTES, AS SECTION 41-113;
AMENDING SECTION 41-113, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT;
MAKING AN APPROPRIATION; RELATING TO BORDER SECURITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 41-108, Arizona Revised Statutes, is renumbered as section 41-113 and as so renumbered, is amended to read:

41-113. Interstate compact to build border fence; requirements;
joint border security advisory committee; trust fund

A. The governor may enter into a compact with other states to provide for the construction and maintenance of a ~~secure~~ VIRTUAL fence ~~along the~~ WITHIN TWENTY MILES OF THE Arizona-Mexico border line that is located on private, state or federal property if permitted. The governor may enter into such a compact as part of any broader compact relating to the same or similar issue. A compact entered into pursuant to this section shall contain at least the following:

1. A provision making it available for joinder by all states.

2. A provision for withdrawal from the compact on written notice to the parties no sooner than one year after the date of the notice.

3. A provision for the establishment of an organization:

(a) To administer and manage the construction and maintenance of the VIRTUAL border fence.

(b) To administer any monies obtained for the construction and maintenance of the VIRTUAL border fence.

4. A provision that provides for a state to develop the state's own funding mechanism to construct and maintain the VIRTUAL border fence through private or public donations from whatever source and that is administered by the organization established pursuant to paragraph 3 of this subsection.

5. A requirement that a state use ~~correctional inmates as well as~~ private contractors to construct and maintain the VIRTUAL border fence.

6. The option to construct and maintain the ~~secure~~ VIRTUAL fence on state or federal land.

7. Other provisions necessary to implement the compact.

B. If this state does not enter into the compact authorized by subsection A of this section, this state may still construct and maintain a ~~secure~~ VIRTUAL fence ~~along the~~ WITHIN TWENTY MILES OF THE Arizona-Mexico border line that is located on private, state or federal property if permitted. Subsection A, paragraph 4, regarding developing the state's own funding mechanism, and ~~paragraphs~~ PARAGRAPH 5 and 6 of this section apply to the VIRTUAL border fence.

C. The joint border security advisory committee is established consisting of the following members:

1. The president of the senate or the president's designee as a nonvoting member.

2. The speaker of the house of representatives or the speaker's designee as a nonvoting member.

3. Two members of the house of representatives who are appointed by the speaker of the house of representatives as nonvoting members.

1 4. Two members of the senate who are appointed by the president of the
2 senate as nonvoting members.

3 5. Six members who are appointed by the governor.

4 6. A county sheriff from a county that has a population of more than
5 three million persons.

6 7. A county sheriff from a county that has a population of more than
7 three hundred thousand persons but less than six hundred thousand persons.

8 8. A county sheriff from a county that is located along the
9 Arizona-Mexico border and that has a population of more than one hundred
10 thousand persons but less than one hundred fifty thousand persons.

11 9. A county sheriff from a county that is located along the
12 Arizona-Mexico border and that has a population of at least one hundred fifty
13 thousand persons but less than six hundred thousand persons.

14 D. Committee members are not eligible to receive compensation or
15 reimbursement of expenses for committee activities.

16 E. The president and the speaker of the house of representatives shall
17 each appoint a cochairperson of the committee.

18 F. The committee shall meet on the call of the two cochairpersons, but
19 no more frequently than monthly.

20 G. The committee may:

21 1. Take testimony and other evidence regarding the international
22 border with Mexico.

23 2. Analyze border crossing statistics.

24 3. Analyze related crime statistics.

25 4. Make recommendations designed to increase border security.

26 5. Administer and manage the construction and maintenance of the
27 VIRTUAL border fence, USING TECHNOLOGY TO THE MAXIMUM EXTENT PRACTICABLE.

28 6. Make other recommendations deemed essential by the committee.

29 ~~H. The committee may use the services of legislative staff as~~
30 ~~required.~~

31 ~~I.~~ H. Beginning November 30, 2011 and each month thereafter, the
32 committee shall submit a written report of its findings and recommendations
33 to the speaker of the house of representatives, the president of the senate
34 and the governor. The committee shall provide a copy of the report to the
35 secretary of state.

36 ~~J.~~ I. Notwithstanding any law to the contrary, the committee may vote
37 to go into executive session to take testimony or evidence it considers
38 sensitive or confidential in nature, which if released could compromise the
39 security or safety of law enforcement or military personnel or a law
40 enforcement or national guard law enforcement support operation.

41 ~~K.~~ J. The border security trust fund is established consisting of
42 monies collected pursuant to this section. The state treasurer shall
43 administer the trust fund as trustee for the purposes of the compact entered
44 into pursuant to subsection A of this section or for the purposes of
45 subsection B of this section. The compact entered into pursuant to

1 subsection A of this section or the VIRTUAL border fence pursuant to
2 subsection B of this section is the beneficiary of the trust fund. All
3 monies in the trust fund shall be used exclusively to carry out the purposes
4 of this section. The state treasurer shall accept, separately account for
5 and hold in trust any monies deposited in the state treasury, which are
6 considered to be trust monies as defined in section 35-310 and which shall
7 not be commingled with any other monies in the state treasury except for
8 investment purposes. The state treasurer shall invest and divest any trust
9 fund monies deposited in the state treasury as provided by sections 35-313
10 and 35-314.03, and monies earned from investment shall be credited to the
11 trust fund. Monies in the trust fund are subject to legislative
12 appropriation and are exempt from the provisions of section 35-190 relating
13 to lapsing of appropriations.

14 Sec. 2. Appropriation; joint border security advisory
15 committee; virtual border fence

16 The sum of \$30,000,000 is appropriated from the state general fund in
17 fiscal year 2014-2015 to the joint border security advisory committee for the
18 construction of the virtual border fence authorized by section 41-113,
19 Arizona Revised Statutes, as amended by this act.