

# **Military Affairs & Border Security Committee**

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# **MILITARY AFFAIRS & BORDER SECURITY COMMITTEE**

## **LEGISLATION ENACTED**

### ~~constables; report; board of supervisors~~ (NOW: land ownership; designated countries; prohibition) ([S.B. 1082](#)) – Chapter 253

Prohibits a *foreign adversary nation* or *agent* from obtaining a substantial interest of 30 percent or more in real property in Arizona. A *foreign adversary nation* or *agent* may acquire real property or any interest in real property acquired by devise or descent, the enforcement of security interests or the collection of debt if the nation or agent sells, transfers or otherwise divests from the real property within 120 days after acquisition.

The Attorney General (AG) must enforce the prohibition which may not be based on a person's race or national origin. If the AG reasonably suspects a violation of the prohibition has occurred, the AG: 1) may commence an action in superior court; and 2) must report the matter to the Committee on Foreign Investments in the United States and to the Federal Bureau of Investigation for suspected espionage activity or other law enforcement agencies with the statutory authority to investigate those cases. If the superior court finds that title or a substantial interest in real property was obtained in violation of the prohibition, the court must enter an order stating the court's findings, divesting the person's interest and directing the county board of supervisors to sell the property. Prescribes requirements and an order of priority for the real property sale proceeds. Classifies, as a class 1 misdemeanor, knowingly making a false, fraudulent or unfounded report or statement regarding an alleged violation to a law enforcement agency or political subdivision.

A title insurer, title or escrow agent or real estate licensee may not be held liable for a violation of the prohibition and prescribed enforcement requirements. A violation of the prohibition and prescribed enforcement requirements may not be used as the basis for a title insurance claim for any title insurance policy issued for property in Arizona.

### veterans; emergency admission; transport ([S.B. 1163](#)) – Chapter 62 E

An emergency measure effective April 18, 2025, that allows a police officer who is employed by the U.S. Department of Veterans Affairs (federal officer) to apply for the emergency admission or apprehension and transportation of a U.S. Armed Forces veteran to a screening or evaluation agency. A federal officer who acts in good faith is immune from civil liability and must take reasonable precautions to safeguard the premises and property of the apprehended person.

### adjutant general; duties ([S.B. 1281](#)) – Chapter 256

Beginning January 1, 2027, modifies the qualification requirements of the Adjutant General of Arizona (TAG) by requiring a TAG appointee to: 1) be a current Arizona resident, rather than establish domicile in Arizona for residency purposes; and 2) be a general officer who is currently serving, or has been on retired status for no more than 24 months, and have at least five years of service in the National Guard with the rank of colonel or higher. If a TAG appointee

is not already a general officer, the person must attain federal recognition in a grade of at least brigadier general within two years after appointment. A person who is currently serving and is being considered for appointment to TAG must provide evidence of good standing with current U.S. Army or Air Force requirements for military service to the Governor-designated agency, department or office before appointment and by the deadline stipulated. A retired general officer who is selected for appointment to TAG must provide evidence of good standing with current U.S. Army or Air Force requirements for military service to the Governor within six months after appointment. A TAG appointment is terminated if the appointee fails to meet service standards or any other qualification within the time prescribed.

Updates the qualification requirements for assistant TAGs to include receiving federal recognition of general officer within 24 months of appointment and being in good standing with current U.S. Army or Air Force standards or requirements for military service at the time of the federal recognition.

Allows, rather than requires, TAG to establish an educational program, designated as *Project Challenge*, subject to the Governor's approval and legislative appropriation. With the Governor's approval, TAG may enter into a contract or agreement with an individual or political subdivision to facilitate safety, emergency operations, aircraft maintenance, movement or storage, training or personnel recruitment and retention.

driver licenses; reciprocity; foreign military ([S.B. 1332](#)) – Chapter 158

Requires the Arizona Department of Transportation to issue a class D or M driver license and waive the required written and driving examinations for an active duty member of the armed forces of a foreign country that is a member of the North Atlantic Treaty Organization that recognizes reciprocal driver permits or licenses, if the person: 1) has military orders to be stationed within Arizona and is between 18 years old and 75 years old; and 2) presents documentation issued by the U.S. government authorizing the person to be in the United States, if applicable. The expiration of a license issued to a foreign military member is the same date as the expiration of the person's authorizing documentation.

vehicle license tax; exemption; military ([H.B. 2009](#)) – Chapter 78

SEE THE PUBLIC SAFETY COMMITTEE.

unmanned aircraft; qualified immunity ([H.B. 2733](#)) – Chapter 89

Immunizes a public entity or employee from being liable to an operator of an unmanned aircraft for any injury to personal property caused by a peace officer intercepting, capturing, disabling, shooting, destroying or otherwise rendering inoperative the aircraft within 15 miles of Arizona's international border if the officer had reasonable suspicion that the aircraft was being used to commit a violation relating to organized crime, fraud, terrorism or a drug or imitation substance or drug offense.

military bases; exemption from ESA (H.C.M. 2004)

SEE MEMORIALS & RESOLUTIONS.

gold star families; legacy preservation (H.C.R. 2010)

SEE MEMORIALS & RESOLUTIONS.

## LEGISLATION VETOED

ADWR; hydrology reports (NOW: government; compliance; immigration; deportation) (S.B. 1088) – VETOED

SEE THE GOVERNMENT COMMITTEE.

designated countries; land ownership; prohibition (S.B. 1109) – VETOED

Prohibits the People's Republic of China (PRC) from purchasing, owning, acquiring or having a substantial ownership interest of 30 percent or more in real property in Arizona, excluding property or interest in property that is: 1) acquired by devise or descent, the enforcement of security interests or the collection of debt; and 2) sold, transferred or otherwise divested from within three years after acquisition. If the Attorney General (AG) reasonably suspects a violation has occurred, the AG must enforce the prohibition and commence an action in the superior court. If the superior court finds that title or a substantial interest in real property was obtained in violation of the prohibition, the court must enter an order stating the court's findings, divesting the PRC's interest and directing the county board of supervisors to sell the property and distribute the remaining proceeds, as outlined.

A title insurer, title or escrow agent or real estate licensee may not be held liable for a violation of the prohibition and prescribed enforcement requirements. A violation of the prohibition and prescribed enforcement requirements may not be used as the basis for a title insurance claim for any title insurance policy issued for property in Arizona.

The Governor indicates in her [veto message](#) that S.B. 1109 is ineffective at counter-espionage, does not protect military assets, lacks clear implementation criteria and opens the door to arbitrary enforcement.

immigration laws; local enforcement (S.B. 1164) – VETOED

Retroactive to January 1, 2025, establishes the Arizona Immigration, Cooperation and Enforcement Act (Arizona ICE Act) as follows:

***Federal Immigration Detainers and Detainees*** – Requires each *law enforcement agency* (LEA), defined as the Arizona Department of Corrections, Rehabilitation and Reentry (ADCRR) or a county sheriff's office, that has custody of a person subject to an immigration detainer request issued by U.S. Immigration and Customs Enforcement (U.S. ICE) to: 1) inform the person that the person is being held pursuant to the request; 2) record the request in the person's case file;

3) comply with, honor and fulfill any request made in the request once the detainer is determined to be facially sufficient; and 4) notify the appropriate judge that the person is subject to a detainer who must cause the fact to be in the court record. A federal immigration detainer request is facially sufficient if the U.S. ICE official form is: 1) complete and indicates that the federal immigration official has probable cause to believe that the person is a removable alien under federal law; or 2) incomplete and fails to indicate probable cause, if supported by an affidavit, order or other official documentation that indicates U.S. ICE has probable cause and is accompanied by a federally authorized warrant.

Requires the director of each correctional facility within the control of ADCRR or a county sheriff's office to enter into an agreement with U.S. ICE for the temporary housing of and the payment of housing and detaining costs for persons who are the subject of immigration detainees and outlines the agreement contents. Subject to available monies, the director of a correctional facility must house persons who are the subject of immigration detainees.

***Cooperating with Federal Immigration Authorities*** – Encourages each county, city, town, political subdivision and state official or agency to enter into memorandums of agreement (MOAs) with federal agencies to enforce federal immigration laws, directs state agencies to consider incentive programs and grant funding to support the establishment of MOAs and preempts a state official or agency and any city, town, county or political subdivision from: 1) establishing, adopting or enforcing any policy, pattern or practice that prohibits or restricts cooperation with federal authorities in the enforcement of immigration laws; and 2) prohibiting the use of available federal resources for any public safety purpose related to immigration enforcement.

The Arizona ICE Act, and any MOA authorized by the Act, does not prevent any county, city, town, political subdivision or *LEA*, defined as ADCRR, the Department of Public Safety, county sheriff's offices and municipal police departments, from enforcing federal immigration laws.

***Enforcement*** – At the written request of a legislative member, the Attorney General (AG) must investigate an alleged violation of the preemption on prohibiting or restricting cooperation with federal immigration authorities. The AG may file an action in superior court to enforce compliance and must compose a written report within 30 days after receiving a request.

The AG may bring an action to enforce the requirements of the Arizona ICE Act for appropriate injunctive relief to bring an LEA or a correctional facility director into compliance. An Arizona taxpayer of the county of the applicable LEA or correctional facility may request, in writing, that the AG institute an action. If the AG fails to institute an action 60 days after the written request is made, the requesting taxpayer may institute the action in the taxpayer's name and at the taxpayer's own expense with the same effect as if brought by the AG.

The Governor indicates in her [veto message](#) that S.B. 1164 would force state and local officials to take marching orders from the federal administration.

#### hospitals; patient immigration status; reporting (S.B. 1268) – VETOED

Requires each hospital that accepts payment from the Arizona Health Care Cost Containment System (AHCCCS) to include a place on the admission or registration form to indicate whether a patient is lawfully or unlawfully in the United States or a U.S. citizen, followed

by a statement that the response will not affect the patient's care or be reported to immigration authorities. Each participating hospital must report quarterly to the Department of Health Services (DHS) the number of admissions or emergency department visits made by patients who indicated citizenship status or declined to answer (admissions or visits).

By March 1 of each year, DHS must report to the Governor, Legislature and Secretary of State: 1) the total number of admissions and visits submitted by participating hospitals; and 2) information relating to hospital funding needs and the cost and impact of uncompensated care on the ability of hospitals to provide services. DHS may adopt rules for the quarterly reports and the acceptable format for hospitals to ask a patient's immigration status which may not require the disclosure of a patient's name or any other personal identifying information to DHS.

The Governor indicates in her [veto message](#) that undocumented immigrants are not eligible for AHCCCS and S.B. 1268 is opposed by business leaders, hospitals and others who believe immigration is best left to federal law enforcement, rather than health care professionals.

#### county detention facilities; arrestees; information ([S.B. 1610](#)) – VETOED

Requires a county detention facility to: 1) comply with and honor any requests made by the U.S. Immigration and Customs Enforcement (U.S. ICE); 2) transmit, daily or on request of U.S. ICE, specified personal information of any person arrested for outlined crimes relating to burglary, theft, aggravated assault or any other offense that results in death or serious bodily injury (arrestee); and 3) provide, on the request of U.S. ICE, an arrestee's photograph and any other physical descriptors and access to an arrestee for an interview. The compliance requirements do not apply to a county detention facility where a U.S. ICE agent is stationed or if the facility has an employee who is approved by U.S. ICE to conduct immigration and customs screenings.

The Governor indicates in her [veto message](#) that she expects state and local governments to uphold the law and work with the federal government to secure the border but S.B. 1610 would place extreme burdens on local law enforcement and state law already bans sanctuary localities.

#### governor; attorney general; duties; immigration ([H.B. 2099](#)) – VETOED

Requires, until January 20, 2029, the Governor, the Attorney General and each city, town and county to enforce, administer and cooperate with actions, orders and programs that relate to the enforcement of federal immigration laws.

The Governor indicates in her [veto message](#) that H.B. 2099 would force state officials to take marching orders from the federal administration and that she will continue to work with the federal government on true border security.