

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 188
SENATE BILL 1355

AN ACT

AMENDING SECTION 41-113, ARIZONA REVISED STATUTES; RELATING TO THE JOINT
BORDER SECURITY ADVISORY COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-113, Arizona Revised Statutes, is amended to
3 read:

4 41-113. Interstate compact to build border fence: joint
5 border security advisory committee; committee
6 termination

7 A. The governor may enter into a compact with other states to
8 provide for the construction and maintenance of a physical or virtual
9 fence as close as practicable to the Arizona-Mexico border line that is
10 located on private, state or federal property if permitted. The governor
11 may enter into such a compact as part of any broader compact relating to
12 the same or a similar issue. A compact entered into pursuant to this
13 section shall contain at least the following:

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

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

17 3. A provision for the establishment of an organization:

18 (a) To administer and manage the construction and maintenance of
19 the physical or virtual border fence.

20 (b) To administer any monies obtained for the construction and
21 maintenance of the physical or virtual border fence.

22 4. A provision that provides for a state to develop the state's own
23 funding mechanism to construct and maintain the physical or virtual border
24 fence through private or public donations from whatever source and that ~~is~~
25 ~~PROVIDES FOR THE FUNDING MECHANISM TO BE~~ administered by the organization
26 established pursuant to paragraph 3 of this subsection.

27 5. A requirement that a state use ~~correctional~~ inmates as well as
28 private contractors to construct and maintain the physical or virtual
29 border fence.

30 6. The option to construct and maintain the physical or virtual
31 fence on state or federal land.

32 7. Other provisions ~~THAT ARE~~ necessary to implement the compact.

33 ~~B. If this state does not enter into the compact authorized by~~
34 ~~subsection A of this section, this state may still construct and maintain~~
35 ~~a physical or virtual fence as close as practicable to the Arizona-Mexico~~
36 ~~border line that is located on private, state or federal property if~~
37 ~~permitted. Subsection A, paragraph 4 of this section, regarding~~
38 ~~developing the state's own funding mechanism, and subsection A, paragraph~~
39 ~~6 of this section apply to the physical or virtual border fence.~~

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

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

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

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

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

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

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

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

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

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

17 ~~D.~~ C. Committee members are not eligible to receive compensation
18 or reimbursement of expenses for committee activities.

19 ~~E.~~ D. The president and the speaker of the house of
20 representatives shall each appoint a cochairperson of the committee.

21 ~~F.~~ E. The committee shall meet on the call of the two
22 cochairpersons, but no more frequently than monthly.

23 ~~G.~~ F. The committee may:

24 1. Take testimony and other evidence regarding the international
25 border with Mexico.

26 2. Analyze border crossing statistics.

27 3. Analyze related crime statistics.

28 4. Make recommendations designed to increase border security.

29 5. Administer and manage the construction and maintenance of the
30 physical or virtual border fence, using technology to the maximum extent
31 practicable.

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

33 ~~H.~~ G. The committee may use the services of legislative staff as
34 required.

35 ~~I.~~ H. Each month, the committee shall submit a written report of
36 its findings and recommendations to the speaker of the house of
37 representatives, the president of the senate and the governor. The
38 committee shall provide a copy of the report to the secretary of state.

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

44 ~~K. The border security trust fund is established consisting of~~
45 ~~monies collected pursuant to this section. The state treasurer shall~~

~~administer the trust fund as trustee for the purposes of the compact entered into pursuant to subsection A of this section or for the purposes of subsection B of this section. The compact entered into pursuant to subsection A of this section or the physical or virtual border fence pursuant to subsection B of this section is the beneficiary of the trust fund. All monies in the trust fund shall be used exclusively to carry out the purposes of this section. The state treasurer shall accept, separately account for and hold in trust any monies deposited in the state treasury, which are considered to be trust monies as defined in section 35-310 and which shall not be commingled with any other monies in the state treasury except for investment purposes. The state treasurer shall invest and divest any trust fund monies deposited in the state treasury as provided by sections 35-313 and 35-314.03, and monies earned from investment shall be credited to the trust fund. Monies in the trust fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.~~

~~§~~ J. The committee established by subsection ~~C~~ B of this section ends on July 1, 2020 pursuant to section 41-3103.

Sec. 2. Legislative intent

The legislature recognizes that Arizona's border is still not secure. This state will continue to work with local communities and law enforcement to make a secure Arizona a reality.

APPROVED BY THE GOVERNOR APRIL 11, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2018.