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

Section 1. Section 26-105, Arizona Revised Statutes, is amended to read:

26-105. Border security fund; exemption; reimbursement
A. The border security fund is established and consists of legislative appropriations, gifts, grants and other donations. The department of emergency and military affairs shall administer the fund. Monies in the fund are continuously appropriated to the department of emergency and military affairs and may be used for the following purposes:

1. Preventing human trafficking.
2. Preventing entry into the United States of:
   (a) Aliens who are unlawfully present in the United States.
   (b) Terrorists and instruments of terrorism.
   (c) Contraband, including narcotics and other controlled substances.
3. Planning, designing, constructing and maintaining transportation, technology and commercial vehicle inspection infrastructure near this state's international border.
4. Clearing nonindigenous plants.
5. Administering and managing the construction and maintenance of a physical border fence.
6. Awarding grants to counties to provide housing in secure facilities.
7. Awarding grants to counties for prosecuting individuals who commit crimes listed in this subsection.

B. IN ADDITION TO THE APPROPRIATIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION, THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS MAY USE UP TO $250,000 FROM THE BORDER SECURITY FUND EACH FISCAL YEAR TO ADMINISTER THIS SECTION. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS IS AUTHORIZED ADDITIONAL FULL-TIME EQUIVALENT POSITIONS PAID FROM THE APPROPRIATION MADE BY THIS SUBSECTION TO ADMINISTER THIS SECTION.

C. The department of emergency and military affairs must consult with the following entities before spending any monies from the fund for the purpose provided in:

1. Subsection A of this section, the department of public safety.
2. Subsection A, paragraph 3 of this section, the department of transportation.
3. Subsection A, paragraph 4 of this section, the Arizona department of forestry and fire management.
4. Subsection A, paragraph 5, 6 or 7 of this section, the department of administration.

D. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.
The governor shall request the federal government to reimburse state monies spent from the fund pursuant to this section. The reimbursements shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

(EMERGENCY NOT ENACTED)

Sec. 2. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR APRIL 25, 2022.