

SUBJECT: Creating fund for border security enhancement projects, pilot program

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 11 ayes — Phelan, Deshotel, Guerra, Harless, Holland, Hunter, P. King, Parker, Raymond, E. Rodriguez, Springer

0 nays

2 absent — Hernandez, Smithee

WITNESSES: For — Gerald Schwebel, International Bank of Commerce; Robert Eads, Mercurio Martinez, and Pete Saenz, The City of Laredo; (*Registered, but did not testify*: Matt Long and Angela Smith, Fredericksburg Tea Party; James Dickey, Republican Party of Texas; James Hines, Texas Association of Business; Ramon Chavez, The City of Laredo; Michael Belsick; Tonya Benson; Richard Bohnert; Russell Hayter; Joseph Murphy)

Against — (*Registered, but did not testify*: Joshua Houston, Texas Impact; Vanessa MacDougal; Arthur Simon)

DIGEST: CSHB 4306 would create the Border Security Enhancement Fund for the governor to use for certain activities along the Texas-Mexico border and would provide for a pilot program in certain counties to identify successful strategies for implementing provisions of the bill.

Border Security Enhancement Fund. The bill would establish the Border Security Enhancement Fund as a special fund in the state treasury outside the general revenue fund. The new fund would consist of legislative appropriations.

The comptroller would have to deposit interest and other earnings on the fund's balance into the Foundation School Fund.

Use of fund. The governor would administer the fund and could use it

only for certain activities to prevent human trafficking and illegal entry into the United States of aliens without official approval, terrorists and instruments of terrorism, and contraband, including narcotics and other controlled substances.

The fund could be used for planning, designing, constructing, or maintaining water and transportation infrastructure, technology, and commercial vehicle inspection infrastructure at ports of entry along the border. It also could be used to clear nonindigenous plants.

Powers of the governor. The governor could enter into contracts and agreements and waive legal requirements as necessary to expeditiously perform activities under the bill.

The governor could not use the fund for the activities or contract with a third party to perform the activities unless the governor consulted with the General Land Office commissioner and appropriate federal authorities to coordinate border security efforts.

Preference, verification of contractors. If the governor contracted with a private entity, the governor would have to give preference to an entity that was incorporated or formed under state law or had a headquarters or other principal office in Texas.

The governor could not award a contract unless the proposed contractor registered with and participated in the federal E-verify program and continued participation for the duration of the contract.

Reimbursement. CSHB 4306 would require the governor to request federal reimbursement of the amounts expended from the fund. The comptroller would deposit any federal reimbursement into the Foundation School Fund.

Pilot program. In consultation with local officials and law enforcement, the Department of Public Safety, and U.S. Customs and Border Protection, the governor would implement a pilot program designed to:

- create a communication portal for all law enforcement entities to share information, video and radio feeds, and other technological information that would further the purposes of the bill;
- evaluate the benefits of infrastructure improvements on main roads that ran parallel to the border; and
- study the effects of clearing at least 20 percent but not more than 30 percent of brush or invasive plant species on land along the border.

The pilot program would have to be implemented by November 1, 2019, in one or more of the following:

- a county located on an international border with a population of more than 54,000 but not more than 55,000 (Maverick County); and
- a county located on an international border with a population of more than 240,000 but not more than 252,000 (Webb County).

The governor would identify successful strategies and submit a plan to the Legislature by January 1, 2021, for implementation in all other areas along the border.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

NOTES:

According to the Legislative Budget Board, the fiscal impact of the bill would depend on the amount appropriated by the Legislature to the Border Security Enhancement Fund.