

BILL ANALYSIS

Senate Research Center

H.B. 4306
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Veteran Affairs & Border Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recent state programs regarding border security involve increasing the presences of law enforcement personnel, leaving necessary infrastructure to fall behind. H.B. 4306 would focus instead on infrastructure and create a pilot program to study what works best to protect our border from narcotics and human trafficking.

The pilot program would be implemented in Maverick, Webb, and Zapata Counties. It would plan, design, construct, or maintain along the state's international border: water infrastructure, limited to a bulkhead in Webb county; transportation infrastructure, limited to a road which runs along the international border; detection technology used to combat human smuggling and contraband, including narcotics; and commercial vehicle inspection infrastructure at ports of entry and designated state highway inspection stations. What's more, the pilot program would create a communication portal for all law enforcement counties in the pilot program to share information, video and radio feeds, and other technological information.

To ensure all stakeholders are included, the governor would be required to consult with local officials, local law enforcement, the Department of Public Safety, and United States Customs and Border Protection. H.B. 4306 also would direct the Texas Water Development Board and the Texas Commission on Environmental Quality to conduct a study and make recommendations about the effects of water retention infrastructure on storm drainage, water quality, and environmental contamination and how those effects may be mitigated.

The governor must evaluate the program's benefits, prepare a plan to implement these strategies along the international border, and submit a report to the legislature by January 1, 2021. This would allow the state to develop and test a cost-effective, environmentally conscious strategy to address neglected aspects of border security.

H.B. 4306 amends current law relating to border security infrastructure enhancement projects and the creation of a fund to pay for those projects, allocates the earnings on the balance of that fund and reimbursement of related expenditures, and includes a study on water retention infrastructure near the border.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the governor in SECTION 1 (Section 421.107, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 421, Government Code, by adding Subchapter G, as follows:

SUBCHAPTER G. BORDER SECURITY INFRASTRUCTURE ENHANCEMENT

Sec. 421.101. DEFINITION. Defines "fund" to mean the border security infrastructure enhancement fund.

Sec. 421.102. BORDER SECURITY INFRASTRUCTURE ENHANCEMENT FUND.
(a) Provides that the border security infrastructure enhancement fund is an account in the

general revenue fund to be administered by the governor under this subchapter and rules adopted by the governor under this subchapter.

(b) Provides that the fund consists of appropriations of money made by the legislature for deposit to the credit of the fund.

Sec. 421.103. FUND INTEREST. Requires the comptroller of public accounts of the State of Texas (comptroller) to deposit to the credit of the foundation school fund interest and other earnings made on the balance of the border security infrastructure enhancement fund.

Sec. 421.104. USE OF FUND. Authorizes the governor to use money in the fund only for activities described by this section undertaken for the purposes of preventing human trafficking and entry into the United States of contraband, including but not limited to narcotics and other controlled substances. Provides that the governor's use of the money in the fund is including and limited to the activities described in the pilot program developed and implemented under Section 2 of the Act enacting this subchapter.

Sec. 421.105. TEXAS CONTRACTOR PREFERENCE. Requires the governor, if the governor seeks to contract with a private entity using money from the fund, to give preference to an entity that is incorporated or otherwise formed under the laws of this state or that has a headquarters or other principal office located in this state.

Sec. 421.106. REIMBURSEMENT. (a) Requires the governor to make a request to the federal government for reimbursement of the amounts expended from the fund.

(b) Requires the comptroller to deposit to the credit of the foundation school fund an amount received from the federal government as a reimbursement of an amount expended from the border security infrastructure enhancement fund.

Sec. 421.107. RULES. Requires the governor to adopt rules necessary to carry out this subchapter.

SECTION 2. (a) Requires the governor to develop and implement a pilot program under this section in certain counties.

(b) Requires the governor to begin the implementation of the pilot program not later than November 1, 2019.

(c) Requires the governor, in developing and implementing the pilot program, to consult with local officials, local law enforcement, the Department of Public Safety, and United States Customs and Border Protection. Requires the pilot program to be designed to:

(1) plan, design, construct, or maintain along this state's international border:

(A) water infrastructure, limited to a bulkhead in a county located on an international border with a population of more than 240,000 but not more than 252,000;

(B) transportation infrastructure, limited to Farm-to-Market Road 1021, Farm-to-Market Road 1472, and the road popularly referred to as El Indio Highway and Old Mines Road;

(C) detection technology to combat human smuggling and contraband, including but not limited to narcotics and other controlled substances; and

(D) commercial vehicle inspection infrastructure at ports of entry and designated state highway inspection stations;

(2) clear nonindigenous plants;

(3) create a communication portal for all law enforcement entities in counties in which the pilot program is implemented to share information, video feeds, radio feeds, and other technological information that would further the purposes of Subchapter G, Chapter 421, Government Code, as added by this Act;

(4) evaluate the benefits of infrastructure improvements in counties in which the pilot program is implemented; and

(5) study the effects of clearing at least 20 percent but not more than 30 percent of brush or invasive plant species on land located along this state's international border in counties in which the pilot program is implemented.

(d) Requires the governor to identify the strategies implemented in the pilot program that are successful in furthering the purposes of Subchapter G, Chapter 421, Government Code, as added by this Act. Requires the governor to:

(1) prepare a plan for implementing the identified strategies in all other areas along this state's international border; and

(2) submit the plan to the legislature not later than January 1, 2021.

SECTION 3. (a) Defines "board" to mean the Texas Water Development Board (TWDB), defines "commission" to mean the Texas Commission on Environmental Quality (TCEQ), and defines "water retention infrastructure."

(b) Requires TWDB and TCEQ jointly to:

(1) conduct a study concerning the effects the construction of water retention infrastructure would have on storm drainage, water quality, and environmental contamination matters in this state; and

(2) develop recommendations for actions that may prevent or mitigate any negative effects on storm drainage, water quality, or environmental contamination matters resulting from the construction of water retention infrastructure.

(c) Requires the study to investigate:

(1) whether and to what extent the construction of water retention infrastructure would cause or contribute to flood management or other storm drainage problems in this state;

(2) whether and to what extent the construction of water retention infrastructure would cause or contribute to negative environmental contamination or other environmental effects in this state;

(3) whether certain designs or methods of construction of water retention infrastructure would prevent or mitigate any negative effects identified under Subdivision (1) or (2) of this subsection;

(4) any economic effects expected to result from any negative effects identified under Subdivision (1) or (2) of this subsection; and

(5) what actions by the state would best prevent or mitigate any negative effects identified under Subdivision (1) or (2) of this subsection.

(d) Requires TWDB and TCEQ, not later than March 1, 2020, to submit to the governor, the lieutenant governor, and each standing committee of the legislature having primary jurisdiction over water development and environmental matters:

(1) a report of the findings of the study conducted under this section; and

(2) recommendations for actions that may prevent or mitigate any negative storm drainage, water quality, or environmental contamination effects resulting from the construction of water retention infrastructure.

(e) Provides that this section expires January 1, 2021.

SECTION 4. (a) Requires the Sunset Advisory Commission to review the actions of the governor under this Act as if the authority provided by this Act were provided to a state agency subject to review under Chapter 325, Government Code (Texas Sunset Act).

(b) Requires the review to assess the effectiveness of the governor's actions in fulfilling the purposes of this Act.

(c) Requires the Sunset Advisory Commission, not later than September 1, 2025, to complete the review and deliver a report of its findings and recommendations to the legislature.

SECTION 5. Effective date: upon passage or September 1, 2019.