

BILL ANALYSIS

C.S.H.B. 4306
By: Biedermann
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to reports from the Department of Public Safety, efforts to push drugs through the Texas-Mexico border have been all too successful. Despite the state spending billions of dollars in an effort to secure the border, these reports point to an increasing need to find better solutions to reduce the burden on law enforcement operating along the border. C.S.H.B. 4306 seeks to provide for the safety and security of Texas residents by creating a fund to pay for border security enhancement projects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the governor in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4306 amends the Government Code to create the border security enhancement fund as a special fund in the state treasury outside the general revenue fund to be administered by the governor. The bill sets out the composition of the fund and requires the comptroller of public accounts to deposit interest and other earnings made on the fund's balance to the credit of the foundation school fund. The bill sets out the authorized uses of money in the fund and conditions the governor's use of money from the fund on the governor doing so in consultation with the commissioner of the General Land Office and appropriate federal governmental authorities to coordinate border security efforts. The bill requires the governor to request reimbursement from the federal government for amounts expended from the fund and requires the comptroller to deposit any reimbursement received to the credit of the foundation school fund.

C.S.H.B. 4306 authorizes the governor to enter into contracts and agreements as necessary to carry out the bill's provisions and to waive certain legal requirements as necessary. The bill requires the governor, if the governor seeks to contract with a private entity using money from the fund, to give preference to Texas contractors. The bill prohibits the governor from awarding a contract unless the proposed contractor registers with and participates in the E-verify program and requires the contractor to continue to participate in the program during the contract's term. The bill requires the governor to adopt procedures for the administration of the bill's E-verification provisions and to adopt rules necessary to carry out the bill's provisions relating to the border security enhancement fund.

C.S.H.B. 4306 requires the governor to develop and implement a pilot program to implement the bill's provisions in one or more counties on an international border with a population of:

- more than 240,000 and less than 252,000; or
- more than 54,000 and less than 55,000.

The bill requires the governor to begin implementation of the pilot program not later than November 1, 2019, and, in developing and implementing the program, to consult with local officials, local law enforcement, the Department of Public Safety, and U.S. Customs and Border Protection. The bill sets out the purposes for which the pilot program must be designed. The bill requires the governor to identify the strategies implemented in the pilot program that are successful in furthering the purposes of the border security enhancement fund, to prepare a plan for implementing the identified strategies in all other areas along Texas's international border, and to submit the plan to the legislature not later than January 1, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4306 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute revises the composition and authorized uses of the fund and makes conforming changes to the powers of the governor relating to those uses.

The substitute revises and expands provisions relating to the pilot program, including the following:

- changing the requirement for the governor to administer the program starting January 1, 2020, to a requirement to begin implementation of the program not later than November 1, 2019;
- specifying that implementation may be in one or more of the applicable counties;
- requiring consultation with certain local and federal entities;
- setting out the purposes for which the program must be designed; and
- setting out requirements for the governor to plan statewide implementation of strategies that are identified as successful, based on the program's results, and to submit that plan to the legislature not later than January 1, 2021.