

- SUBJECT:** Amending the position of border commerce coordinator
- COMMITTEE:** International Trade and Intergovernmental Affairs — favorable, without amendment
- VOTE:** 7 ayes — Anchia, Lozano, R. Anderson, Bernal, Burrows, Koop, Scott Turner
- 0 nays
- SENATE VOTE:** On final passage, May 4 — 25-6 (Burton, Creighton, Hall, Kolkhorst, Perry, V. Taylor)
- WITNESSES:** (*On House companion bill, HB 3378*)
- For — Buddy Garcia, President, Modern Stewardship; (*Registered, but did not testify*): Stephen Ellsesser, Greater El Paso Chamber of Commerce; Arnold Flores, Cameron County; Amber Hausenfluck, City of McAllen; Elizabeth Lippincott, Texas Border Coalition; Chuck Rice, Texas Land Developer Association; Sally Velasquez, Willacy County Commissioners Court)
- Against — None
- On — (*Registered, but did not testify*): Chris Nordloh, Texas Department of Public Safety; Russell Zapalac, Texas Department of Transportation)
- BACKGROUND:** Three sections in the Government Code define duties of the border commerce coordinator. Several bills enacted beginning with the 76th Legislature in 1999 contain provisions related to this office. The three sections, all labeled as sec. 772.010, overlap in language covering many of the same duties.
- DIGEST:** SB 1389 would reenact and amend sections of the Government Code related to the duties of the border commerce coordinator.

Consolidating existing sections on coordinator duties. SB 1389 would

repeal two of the three current sections in the Government Code labeled sec. 772.010, which govern the duties of the border commerce coordinator. The bill would preserve and move certain language from repealed sections into the remaining sec. 772.010 to require that the coordinator continue to perform the following duties:

- study the flow of commerce at ports of entry between Texas and Mexico and establish a plan to aid that commerce and improve movement of commercial vehicles;
- work with work groups and government and community entities along the border to address the unique planning and capacity needs of those areas and submit an annual report to the Legislature on the coordinator's activities in this area;
- work with private industry and state and federal entities to require the sale of low-sulfur fuel along highways in Texas with increased traffic related to activities under the North American Free Trade Agreement; and
- work with representatives from the Mexican government and the Mexican states along the Texas border to increase the use of low-sulfur fuel.

New coordinator duties. SB 1389 also would add the following new duties required of a border commerce coordinator:

- identify problems with border truck inspections and related trade and transportation infrastructure and develop recommendations for addressing those problems;
- work with state and federal agencies to develop initiatives to mitigate congestion at ports of entry; and
- develop recommendations to increase trade by attracting new business ventures, to support expansion of existing and new industries, and to address workforce training needs.

Border mayor task force. SB 1389 would require the coordinator to appoint the "Texas Good Neighbor Committee" — a border mayor task force consisting of mayors from every Texas municipality located along

the border that has a sister city in Mexico. This task force would advise the coordinator on key trade, security, and transportation-related issues that were important to the municipalities represented. It also would hold quarterly meetings with mayors from Mexico to increase cooperation, communication, and the flow of information and to identify problems and recommend solutions.

The border mayor task force would seek assistance and input from private sector stakeholders involved in commerce to identify issues to address. It also would provide recommendations to assist the coordinator in carrying out his or her statutory duties.

This 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, 2015.

**SUPPORTERS
SAY:**

SB 1389 would foster increased cooperation and stronger coordination among Texas, Mexico, and private entities to support the flow of commerce along the Texas-Mexico border. The bill also would help the state understand economic issues resulting from increased wait times at the border and issues with the flow of commerce at the ports of entry through the coordinator's required reporting and recommendations.

Creating a border mayor task force would be critical to addressing the commercial issues facing border communities. These mayors know the area best. They could provide their insight in creating public policy that benefitted their communities, which would be preferable to relying on state agencies with less knowledge of the area to determine what was best for border communities.

Although the secretary of state carries out many of the same duties as the border commerce coordinator, maintaining the position would give the Office of the Governor the flexibility to assign these tasks to either.

The bill would clean up the coordinator's enabling statute to consolidate all the position's functions into one section, reducing confusion and

misunderstanding about the coordinator's duties.

**OPPONENTS
SAY:**

SB 1389 is unnecessary because the duties of the border commerce coordinator are already required duties of the secretary of state. The coordinator's position is duplicative and a waste of funds. The position of the coordinator was necessary when it was created, but over time these duties have passed to the secretary of state. The coordinator position could be eliminated, rather than expanded. This bill would serve only to further enlarge the government.

NOTES:

A House companion bill, HB 3378 by Lucio, was considered in a public hearing of the House International Trade and Intergovernmental Affairs Committee on April 6 and left pending.