

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 13, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB13 by Swinford (Relating to homeland security issues, including border security issues and law enforcement.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB13, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from <i>STATE HIGHWAY FUND</i> 6
2008	(\$27,860,000)
2009	\$0
2010	(\$1,116,145)
2011	(\$833,533)
2012	(\$833,533)

Fiscal Year	Change in Number of State Employees from FY 2007
2008	0.0
2009	0.0
2010	16.0
2011	16.0
2012	16.0

Fiscal Analysis

The bill would amend the Government Code, Local Government Code, Education Code, Transportation Code, and the Code of Criminal Procedure relating to homeland security issues, including border security issues and law enforcement.

The bill would amend Education Code, Section 51 which would require peace officers rather than security officers at private institutions and defines the duties and responsibilities of these individuals. The bill also provides process and procedures for private institutions to enter into mutual assistance agreements with peace officers commissioned by the institution to serve the public interest by enforcing state, local, or municipal ordinances. The bill amends Government Code, Section 402 which develops a Homeland Security Law Enforcement Integrity Unit within the Office of Attorney General and specifies processes and procedures for this entity.

The bill would amend Chapters 418 of the Government Code, which includes project management resources to support the Texas Data Exchange within the State Emergency Management Plan. The bill states the Governor's Division of Emergency Management shall provide to the Department of Public Safety (DPS) the necessary project management and funding resources to support the Texas Data Exchange.

The bill establishes the State Office of Homeland Security and the Texas Fusion Center within the Office of the Governor. The bill would create a multi-agency coordination system as outlined in the federal Department of Homeland Security publication "National Incident Management System." The bill would establish the Border Security Council consisting of members appointed by the Governor. The bill also provides policies and procedures for the development of the Border Security Council. The bill establishes guidelines for the movement of control of the Texas Data Exchange or any other similar databases from the Office of the Governor to DPS. The bill establishes an interim committee on border security and provides policies and procedures for the development of the entity. The bill also states programs under this chapter are subject to audit by the state auditor.

The bill states that a governmental entity or political subdivision may not adopt rules, policies or ordinances under which that entity will not fully enforce state and federal drug and immigration laws. The bill states a violation of this section determined by the Office of the Attorney General would require the grant funding to be repaid to the state. The bill states the State Office of Homeland Security shall allocate federal and state grants related to homeland security. The bill also states that DPS, at the request of the Governor, shall provide facilities and administrative support for the Texas Fusion Center.

The bill states that municipal, county governmental entities or peace officers may not adopt policies under which that entity or municipality may not fully enforce state and federal criminal drug and immigration laws. The bill states that a political subdivision of the state may enter into an agreement to perform a function of an immigration officer. The bill also states what criminal information can be collected under this section. The bill also states process and procedures in determining if information is required to be removed from an intelligence database. The bill establishes policies and procedures and states a one-stop border inspection facility must be erected along a major highway at or near the crossing from Mexico in the Pharr, Laredo, and El Paso districts to inspect motor vehicles for compliance with state and federal laws.

The bill states the House Committee on Corrections may conduct a study to determine whether the state's criminal justice system can be more efficient if the state or certain political subdivisions of the state seek one or more agreements under the Immigration and Nationality Act, Section 287(g). The bill also states when various projects and programs in this bill must be established. The bill would take effect immediately if it is passed by a two-thirds votes of all members of each house. Otherwise, the bill would take effect on September 1, 2007.

Methodology

Based on the fiscal note for similar legislation from the current legislative session, the Department of Transportation (TxDOT) indicates the bill would require the relocation or establishment of a new

border inspection facility in Laredo. Based on the analysis of TxDOT, it is assumed the establishment of a new facility in Laredo would require three years of design and planning and result in a total cost of \$27.9 million for design, environmental assessments, architectural and engineering services, and construction. It is assumed the new facility would not become operational until fiscal year 2010.

Pursuant to Section 403.071, Government Code, appropriations for new construction contracts are not available for payment of claims later than four years after the end of the fiscal year for which the appropriation was made. Therefore, construction appropriations made by the 76th Legislature for the 2000-01 biennium would not be available to implement the provisions of the bill. For the purposes of this analysis, it is assumed TxDOT would finance the establishment of the new facility with available construction appropriations out of the State Highway Fund for the 2008-09 fiscal biennium.

Based on the analysis and information provided by the Department of Public Safety (DPS), it is assumed staffing for the new inspection facility would require ten civilian commercial motor vehicle inspectors, five trooper positions, and one sergeant for total salary costs of \$577,848 each year. Employee benefits costs associated with the 16 positions (16.0 FTEs) are estimated to be \$163,473 each year (28.29 percent of salaries). Additional costs for information technology items, equipment, travel, and miscellaneous operating expenses are estimated to be \$374,824 in fiscal year 2010 and \$92,212 each year thereafter. This analysis also assumes that federal Homeland Security Grant funding will continue to be available and the technological integration assumed by DPS would be paid for with these federal funds and would have no significant fiscal impact to the agency at this time.

The Office of the Attorney General (OAG) states the fiscal impact would cost the state \$373,478 in 2008 and \$344,529 in 2009, including 4 full-time-equivalents to implement the provisions of the bill. It is assumed the OAG costs could be absorbed within the agency's current appropriations and therefore would not result in a significant fiscal impact to the state. This analysis also assumes no significant fiscal impact for the Office of the Governor.

Technology

Technology costs associated with the implementation of the bill are estimated to be \$6,008 in fiscal year 2010 and \$1,311 each year thereafter for computers, printers, and enterprise agreements.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 601 Department of Transportation

LBB Staff: JOB, KJG, GG, LG, MW, TG