

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

Revision 2

May 3, 2007

TO: Honorable David Swinford, Chair, House Committee on State Affairs

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

IN RE: HB13 by Swinford (Relating to homeland security issues, including border security issues.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

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

The bill would amend Chapters 418 and 421 of the Government Code, Chapter 370 of the Local Government Code and Article 2 of the Code of Criminal Procedure to include 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 resources to support the Texas Data Exchange.

The bill would also establish the State Office of Homeland Security and the Texas Fusion Center. 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 a legislative oversight committee and provides policies and procedures for the development of the entity. 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 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 would take effect immediately if it is passed by two-thirds votes of all members of each house. Otherwise, the bill would take effect on September 1, 2007.

Assuming Homeland Security Grant funding that developed and maintained the Texas Data Exchange (TDEx) system would become unavailable and additional technological integration between TDEx and other law enforcement computer programs would be required, DPS estimates an additional \$15.1 million in 2008 and \$15.7 million in 2009 would be required to implement the provisions of the bill. This analysis assumes that Homeland Security Grant funding will be continued to be available and the

technological integration assumed by DPS is not currently included within the bill text. Therefore, this analysis assumes no significant fiscal impact to DPS.

The Office of the Governor, the Office of the Attorney General, and the State Office of Administrative Hearings do not anticipate significant fiscal impacts to their agencies as a result of complying with the provisions of the bill.

Local Government Impact

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

Source Agencies: 301 Office of the Governor, 405 Department of Public Safety, 302 Office of the Attorney General, 360 State Office of Administrative Hearings

LBB Staff: JOB, KJG, GG, LG