

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 18, 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.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code, Local Government Code, Education 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 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 resources to support the Texas Data Exchange.

The bill establishes 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 states the Office of the Governor with advice of the Border Security Council 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 a political subdivision of the state may enter into an agreement to perform a function of an immigration officer and provides process and procedures for those agreements. 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 states the Speaker of the House of Representatives and Lieutenant Governor may assign a joint interim committee to evaluate 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 requires a report on human trafficking by the Border Security Council no later than September 1, 2008. The bill would take effect immediately if it is passed by a two-thirds vote of all members of each house. Otherwise, the bill would take effect on September 1, 2007.

DPS states the bill would cost the agency \$385,860 in 2008 and \$338,731 in 2009 including 6 FTEs per year to support the Texas Data Exchange System. This analysis assumes these costs can be absorbed within the agency's current appropriations. The Office of the Governor states they anticipate no significant fiscal impact to their agency.

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

LBB Staff: JOB, KJG, GG, LG