

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 29, 2007

TO: Honorable Bill Callegari, Chair, House Committee on Government Reform

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

IN RE: HB3653 by Riddle (Relating to contracts between the Texas Board of Criminal Justice and private vendors for the use of inmate labor to construct fences along the Texas-Mexico border.), **As Introduced**

The probable impact of the bill cannot be determined due to the unavailability of information related to the number of landowner requests for the construction of the fencing in order to calculate the number of miles of fence construction required and the length of time to construct the Texas-Mexico fence.

The bill would amend the Government Code by adding that the Department of Criminal Justice (TDCJ) may enter into contracts with private vendors for the use of inmate labor to construct a segment of fence along the Texas-Mexico border. The bill adds that TDCJ shall consult with the Governor's Office and adopt rules to implement the fence construction program. The bill specifies that the rules shall require that the private vendor design and oversee the construction of a 12-foot high razor wire fence along the Texas-Mexico border adjacent to landowners who request the construction of the fence, that TDCJ make available to the private vendor inmates classified as trustees to perform the labor required to construct the fence, that TDCJ shall provide the security for the inmates, including the use of electronic monitoring to prevent the trustees from escaping, that TDCJ provide to the Texas Workforce Commission (TWC), the job skills acquired by the trustees, to facilitate job placement following the trustees release from TDCJ, and that the department implement procedures which will result in maximizing trustee job skill training.

In order to determine a portion of the fiscal impact of the bill, assumptions must be made regarding the number inmate trustees to perform the labor required to construct the fence. Based on the assumption that 100 TDCJ trustees provide the labor, TDCJ estimates the costs associated with using trustees from state-operated State Jail facilities would cost \$36.53 per day which would include security, housing and food. The total cost would depend on the length of time required to build the fence. In portions of the state where State Jail facilities are not located, TDCJ estimates that depending on space available, the cost to contract with local county jails is \$40 per day (10-20 inmates in each county jail) for housing the displaced trustees. If TDCJ is required to provide the fencing materials for the program, Texas Correctional Industries estimates the cost of fencing to be \$700 per 25-foot segment.

According to the Texas Workforce Commission, a mechanism is in place for joint discussion between TDCJ and TWC concerning job skills acquired by inmates who are being released. The data interface required by the 79th Legislature which will provide detailed information on inmates being released is nearing completion. The TWC estimates the costs associated with implementing the bill are not anticipated to be significant and could be absorbed with current resources.

The Office of the Governor anticipates no significant fiscal impact to its office associated with implementation of the bill.

The Texas-Mexico border spans approximately 1,000 miles, excluding the frontage of Big Bend National Park, and the Amistad and Falcon Reservoirs. Research information includes the U.S. Congressional Research Service site of the Corps of Engineers study to estimate costs of fence construction to range from \$1.2 million to \$1.3 million per mile and that the 25-year left cycle cost of

the fence would range from \$16.4 million to \$70 million per mile, depending on the amount of damage sustained by the fencing. The Congressional Budget Office has estimated that border fencing would cost \$3 million per mile.

Local Government Impact

It is assumed that the fiscal impact to local governments is unknown.

Source Agencies: 301 Office of the Governor, 320 Texas Workforce Commission, 696 Department of Criminal Justice

LBB Staff: JOB, MN, GG, SDO