

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 1, 2011

TO: Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

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

IN RE: HB48 by Pena (Relating to authorizing the Department of Public Safety of the State of Texas to investigate the feasibility of and cooperate in the establishment of southbound checkpoints along the international border of this state.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time

The bill would amend the Government Code to require the Department of Public Safety (DPS) to investigate the feasibility of assisting federal authorities in establishing checkpoints along the international border of this state for the purpose of inspecting vehicles leaving Texas and entering Mexico. If DPS determines feasibility, the bill would require DPS to cooperate with federal agencies to set up the checkpoints, and permit DPS to share related costs with local law enforcement agencies and the federal government. The bill includes provisions regarding the procedures required of the checkpoints. The bill would require, if necessary, the Attorney General, subject to approval of the Governor, to enter into certain agreements with the federal government. The bill would permit a law enforcement agency to enter into an agreement with a private entity or corporation to provide goods or services for the establishment or operation of a checkpoint or the performance of inspections described by the bill. The bill would take effect immediately upon receiving a two-thirds vote of all the members in each house. Otherwise, the bill would take effect September 1, 2011.

The fiscal impact of the bill cannot be determined, due to the unknown extent of the applicable checkpoints the bill would require. DPS indicates the operation of 24/7/365 checkpoints at international bridges and mobile checkpoints would have an extensive, significant fiscal impact. It is assumed temporary or selective checkpoints would have a reduced fiscal impact from the 24/7/365 model, but the extent to which these checkpoints would be deployed and their associated costs are unknown. DPS indicates they can investigate the feasibility of the applicable checkpoints as required by the bill within existing resources. Additionally, the Office of the Attorney General indicates they can absorb any legal work resulting from the bill within existing resources.

Local Government Impact

The bill would allow local law enforcement to share checkpoint operation costs with federal law enforcement. The costs would vary depending on whether local law enforcement would share checkpoint operation costs with federal law enforcement and the proportion of costs local law enforcement would pay. The bill would also allow a law enforcement agency to contract with a private entity for goods and services related to operations of a checkpoint. The impact of this provision would vary by the specific terms of a given contract.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

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