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H.B. No. 4306

A BILL TO BE ENTITLED

AN ACT

relating to border security infrastructure enhancement projects  
and the creation of a fund to pay for those projects; allocating the  
earnings on the balance of that fund and reimbursement of related  
expenditures; including a study on water retention infrastructure  
near the border.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 421, Government Code, is amended by  
adding Subchapter G to read as follows:

SUBCHAPTER G. BORDER SECURITY INFRASTRUCTURE ENHANCEMENT

Sec. 421.101. DEFINITION. In this subchapter, "fund" means  
the border security infrastructure enhancement fund.

Sec. 421.102. BORDER SECURITY INFRASTRUCTURE ENHANCEMENT  
FUND. (a) The border security infrastructure enhancement fund is  
an account in the general revenue fund to be administered by the  
governor under this subchapter and rules adopted by the governor  
under this subchapter.

(b) The fund consists of appropriations of money made by the  
legislature for deposit to the credit of the fund.

Sec. 421.103. FUND INTEREST. The comptroller shall deposit  
to the credit of the foundation school fund interest and other  
earnings made on the balance of the border security infrastructure  
enhancement fund.

Sec. 421.104. USE OF FUND. The governor may use money in

1 the fund only for activities described by this section undertaken  
2 for the purposes of preventing human trafficking and entry into the  
3 United States of contraband, including but not limited to narcotics  
4 and other controlled substances. The governor's use of the money in  
5 the fund is including and limited to the activities described in the  
6 pilot program developed and implemented under Section 2 of the Act  
7 enacting this subchapter.

8 Sec. 421.105. TEXAS CONTRACTOR PREFERENCE. If the governor  
9 seeks to contract with a private entity using money from the fund,  
10 the governor must give preference to an entity that:

11 (1) is incorporated or otherwise formed under the laws  
12 of this state; or

13 (2) has a headquarters or other principal office  
14 located in this state.

15 Sec. 421.106. REIMBURSEMENT. (a) The governor shall make a  
16 request to the federal government for reimbursement of the amounts  
17 expended from the fund.

18 (b) The comptroller shall deposit to the credit of the  
19 foundation school fund an amount received from the federal  
20 government as a reimbursement of an amount expended from the border  
21 security infrastructure enhancement fund.

22 Sec. 421.107. RULES. The governor shall adopt rules  
23 necessary to carry out this subchapter.

24 SECTION 2. (a) The governor shall develop and implement a  
25 pilot program under this section in one or more of the following:

26 (1) a county located on an international border with a  
27 population of more than 14,000 but not more than 15,000;

1           (2) a county located on an international border with a  
2 population of more than 54,000 but not more than 55,000; and

3           (3) a county located on an international border with a  
4 population of more than 240,000 but not more than 252,000.

5           (b) The governor shall begin the implementation of the pilot  
6 program not later than November 1, 2019.

7           (c) In developing and implementing the pilot program, the  
8 governor shall consult with local officials, local law enforcement,  
9 the Department of Public Safety, and United States Customs and  
10 Border Protection. The pilot program must be designed to:

11           (1) plan, design, construct, or maintain along this  
12 state's international border:

13                   (A) water infrastructure, limited to a bulkhead  
14 in a county located on an international border with a population of  
15 more than 240,000 but not more than 252,000;

16                   (B) transportation infrastructure, limited to  
17 Farm-to-Market Road 1021, Farm-to-Market Road 1472, and the road  
18 popularly referred to as El Indio Highway and Old Mines Road;

19                   (C) detection technology to combat human  
20 smuggling and contraband, including but not limited to narcotics  
21 and other controlled substances; and

22                   (D) commercial vehicle inspection infrastructure  
23 at ports of entry and designated state highway inspection stations;

24           (2) clear nonindigenous plants;

25           (3) create a communication portal for all law  
26 enforcement entities in counties in which the pilot program is  
27 implemented to share information, video feeds, radio feeds, and

1 other technological information that would further the purposes of  
2 Subchapter G, Chapter 421, Government Code, as added by this Act;

3 (4) evaluate the benefits of infrastructure  
4 improvements in counties in which the pilot program is implemented;  
5 and

6 (5) study the effects of clearing at least 20 percent  
7 but not more than 30 percent of brush or invasive plant species on  
8 land located along this state's international border in counties in  
9 which the pilot program is implemented.

10 (d) The governor shall identify the strategies implemented  
11 in the pilot program that are successful in furthering the purposes  
12 of Subchapter G, Chapter 421, Government Code, as added by this Act.  
13 The governor shall:

14 (1) prepare a plan for implementing the identified  
15 strategies in all other areas along this state's international  
16 border; and

17 (2) submit the plan to the legislature not later than  
18 January 1, 2021.

19 SECTION 3. (a) In this section:

20 (1) "Board" means the Texas Water Development Board.

21 (2) "Commission" means the Texas Commission on  
22 Environmental Quality.

23 (3) "Water retention infrastructure" means  
24 infrastructure located within one mile of the Rio Grande River  
25 related to the retention of water.

26 (b) The board and the commission jointly shall:

27 (1) conduct a study concerning the effects the

1 construction of water retention infrastructure would have on storm  
2 drainage, water quality, and environmental contamination matters  
3 in this state; and

4           (2) develop recommendations for actions that may  
5 prevent or mitigate any negative effects on storm drainage, water  
6 quality, or environmental contamination matters resulting from the  
7 construction of water retention infrastructure.

8           (c) The study must investigate:

9           (1) whether and to what extent the construction of  
10 water retention infrastructure would cause or contribute to flood  
11 management or other storm drainage problems in this state;

12           (2) whether and to what extent the construction of  
13 water retention infrastructure would cause or contribute to  
14 negative environmental contamination or other environmental  
15 effects in this state;

16           (3) whether certain designs or methods of construction  
17 of water retention infrastructure would prevent or mitigate any  
18 negative effects identified under Subdivision (1) or (2) of this  
19 subsection;

20           (4) any economic effects expected to result from any  
21 negative effects identified under Subdivision (1) or (2) of this  
22 subsection; and

23           (5) what actions by the state would best prevent or  
24 mitigate any negative effects identified under Subdivision (1) or  
25 (2) of this subsection.

26           (d) Not later than March 1, 2020, the board and the  
27 commission shall submit to the governor, the lieutenant governor,

1 and each standing committee of the legislature having primary  
2 jurisdiction over water development and environmental matters:

3 (1) a report of the findings of the study conducted  
4 under this section; and

5 (2) recommendations for actions that may prevent or  
6 mitigate any negative storm drainage, water quality, or  
7 environmental contamination effects resulting from the  
8 construction of water retention infrastructure.

9 (e) This section expires January 1, 2021.

10 SECTION 4. (a) The Sunset Advisory Commission shall review  
11 the actions of the governor under this Act as if the authority  
12 provided by this Act were provided to a state agency subject to  
13 review under Chapter 325, Government Code (Texas Sunset Act).

14 (b) The review must assess the effectiveness of the  
15 governor's actions in fulfilling the purposes of this Act.

16 (c) Not later than September 1, 2025, the Sunset Advisory  
17 Commission shall complete the review and deliver a report of its  
18 findings and recommendations to the legislature.

19 SECTION 5. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2019.