

By: Biedermann, Nevárez, Cain, Miller, Murr,
et al.

H.B. No. 4306

Substitute the following for H.B. No. 4306:

By: Harless

C.S.H.B. No. 4306

A BILL TO BE ENTITLED

AN ACT

relating to border security 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.

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 ENHANCEMENT

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

Sec. 421.102. BORDER SECURITY ENHANCEMENT FUND. (a) The
border security enhancement fund is a special fund in the state
treasury outside 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 enhancement
fund.

Sec. 421.104. USE OF FUND. The governor may use money in
the fund only for the following activities for the purposes of
preventing human trafficking and illegal entry into the United

1 States of aliens without official approval of an appropriate
2 federal governmental authority, terrorists, instruments of
3 terrorism, and contraband, including narcotics and other
4 controlled substances:

5 (1) planning, designing, constructing, or maintaining
6 along this state's international border water and transportation
7 infrastructure, technology, and commercial vehicle inspection
8 infrastructure at ports of entry; and

9 (2) clearing nonindigenous plants.

10 Sec. 421.105. POWERS OF GOVERNOR. The governor may:

11 (1) enter into contracts and agreements as necessary
12 to carry out this subchapter; and

13 (2) waive legal requirements as necessary to ensure
14 expeditious:

15 (A) design, testing, construction, installation,
16 deployment, operation, and maintenance of water and transportation
17 infrastructure, technology, and commercial vehicle inspection
18 infrastructure under this subchapter; and

19 (B) clearing of nonindigenous plants under this
20 subchapter.

21 Sec. 421.106. CONSULTATION. The governor may not use money
22 from the fund to plan, design, construct, or maintain along this
23 state's international border water and transportation
24 infrastructure, technology, or commercial vehicle inspection
25 infrastructure, to clear nonindigenous plants, or to contract with
26 a third party to perform those activities, unless the governor
27 consults with the commissioner of the General Land Office and

1 appropriate federal governmental authorities to coordinate border
2 security efforts.

3 Sec. 421.107. TEXAS CONTRACTOR PREFERENCE. If the governor
4 seeks to contract with a private entity using money from the fund,
5 the governor must give preference to an entity that:

6 (1) is incorporated or otherwise formed under the laws
7 of this state; or

8 (2) has a headquarters or other principal office
9 located in this state.

10 Sec. 421.108. VERIFICATION BY CONTRACTORS. (a) In this
11 section, "E-verify program" has the meaning assigned by Section
12 673.001.

13 (b) The governor may not award a contract under this
14 subchapter unless the proposed contractor registers with and
15 participates in the E-verify program to verify employee
16 information. The contractor must continue to participate in the
17 program during the term of the contract.

18 (c) The governor shall adopt procedures for the
19 administration of this section.

20 Sec. 421.109. REIMBURSEMENT. (a) The governor shall make a
21 request to the federal government for reimbursement of the amounts
22 expended from the fund.

23 (b) The comptroller shall deposit to the credit of the
24 foundation school fund an amount received from the federal
25 government as a reimbursement of an amount expended from the border
26 security enhancement fund.

27 Sec. 421.110. The governor shall adopt rules necessary to

1 carry out this subchapter.

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

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

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

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

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

14 (1) create a communication portal for all law
15 enforcement entities in counties in which the pilot program is
16 implemented to share information, video feeds, radio feeds, and
17 other technological information that would further the purposes of
18 Subchapter G, Chapter 421, Government Code, as added by this Act;

19 (2) evaluate the benefits of infrastructure
20 improvements on main roads that run parallel to this state's
21 international border in counties in which the pilot program is
22 implemented; and

23 (3) study the effects of clearing at least 20 percent
24 but not more than 30 percent of brush or invasive plant species on
25 land located along this state's international border in counties in
26 which the pilot program is implemented.

27 (d) The governor shall identify the strategies implemented

1 in the pilot program that are successful in furthering the purposes
2 of Subchapter G, Chapter 421, Government Code, as added by this Act.

3 The governor shall:

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

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

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2019.