

By: Slaton

H.B. No. 2862

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 411, Government Code, is amended by adding Subchapter W to read as follows:

SUBCHAPTER W. BORDER SECURITY ENHANCEMENT

Sec. 411.801. DEFINITION. In this subchapter, "fund" means the border security enhancement fund.

Sec. 411.802. 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 department under this subchapter and rules adopted by the commission under this subchapter.

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

Sec. 411.803. FUND INTEREST. The comptroller shall deposit to the credit of the economic stabilization fund the interest and other earnings made on the balance of the border security enhancement fund.

Sec. 411.804. USE OF FUND. (a) The department 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, and
6 maintaining along this state's international border water and
7 transportation infrastructure, technology, and commercial vehicle
8 inspection infrastructure at ports of entry; and

9 (2) clearing nonindigenous plants.

10 (b) The department must include as part of the
11 transportation infrastructure, technology, and commercial vehicle
12 inspection infrastructure at ports of entry along this state's
13 international border the construction to federal specifications
14 for similar infrastructure of a wall to be named the "President
15 Donald J. Trump Wall."

16 Sec. 411.805. CONTRACTS AND AGREEMENTS. The department may
17 enter into contracts and agreements as necessary to implement this
18 subchapter.

19 Sec. 411.806. CONSULTATION. (a) The department may not use
20 money from the fund to plan, design, construct, or maintain along
21 this state's international border water and transportation
22 infrastructure, technology, or commercial vehicle inspection
23 infrastructure, to clear nonindigenous plants, or to contract with
24 a third party to perform those activities, unless the department
25 consults with the commissioner of the General Land Office and
26 appropriate federal governmental authorities to coordinate border
27 security efforts.

1 (b) The department shall consult with the commissioner of
2 the General Land Office for the acquisition of any land necessary to
3 implement this subchapter.

4 Sec. 411.807. TEXAS CONTRACTOR PREFERENCE. If the
5 department seeks to contract with a private entity using money from
6 the fund, the department must give preference to an entity that:

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

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

11 Sec. 411.808. VERIFICATION BY CONTRACTORS. (a) In this
12 section, "E-verify program" has the meaning assigned by Section
13 673.001.

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

19 (c) The commission shall adopt procedures for the
20 administration of this section.

21 Sec. 411.809. REIMBURSEMENT. (a) The governor shall make a
22 request to the federal government for reimbursement of amounts
23 expended from the fund.

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

1 Sec. 411.810. ADOPTION OF RULES. The commission shall
2 adopt rules necessary to implement this subchapter.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2021.