

By: Biedermann

H.B. No. 4461

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a fund to pay for border security enhancement 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 CONSTRUCTION

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:

(1) appropriations of money made by the legislature for deposit to the credit of the fund; and

(2) gifts, grants, or donations made to 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 fund.

Sec. 421.104. USE OF FUND. The governor may use money in the fund only to plan, design, construct, or maintain along this

1 state's international border physical barriers, secondary barriers
2 in locations where fences or other barriers have been erected,
3 technology, clearing of non-indigenous plants, commercial vehicle
4 inspection infrastructure at the ports of entry to prevent illegal
5 entry into the United States of aliens without official approval of
6 an appropriate federal governmental authority, terrorists,
7 instruments of terrorism, and contraband, human trafficking,
8 including narcotics and other controlled substances.

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

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

12 (2) waive legal requirements as necessary to ensure
13 expeditious design, testing, construction, installation,
14 deployment, operation, and maintenance of physical barriers,
15 secondary barriers, technology, and related infrastructure under
16 this subchapter.

17 Sec. 421.106. CONSULTATION. The governor may not use money
18 from the fund to plan, design, construct, or maintain along this
19 state's international border a physical barrier, secondary
20 barrier, technology, or related infrastructure, or contract with a
21 third party to perform those activities, unless the governor
22 consults with the commissioner of the General Land Office and
23 appropriate federal governmental authorities to coordinate border
24 security efforts.

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

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

3 (2) has a headquarters or other principal office
4 located in this state.

5 Sec. 421.108. VERIFICATION BY CONTRACTORS. (a) In this
6 section "E-verify program" has the meaning assigned by Section
7 673.001.

8 (b) The governor may not award a contract under this
9 subchapter unless the proposed contractor registers with and
10 participates in the E-verify program to verify employee
11 information. The contractor must continue to participate in the
12 program during the term of the contract.

13 (c) The governor shall adopt procedures for the
14 administration of this section.

15 Sec. 421.109. 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 fund.

21 Sec. 421.110. The governor shall adopt rules necessary to
22 carry out this subchapter.

23 Sec. 421.111. PILOT PROGRAM. (a) The governor shall
24 determine the location for the project.

25 (b) The governor shall administer a pilot program starting
26 January 1, 2022 to implement this subchapter.

27 SECTION 2. This Act takes effect immediately if it receives

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