

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATURE 1st CALLED SESSION 2023

June 5, 2023

TO: Honorable Brian Birdwell, Chair, Senate Committee on Border Security

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB8 by Birdwell (Relating to measures to address public safety threats in this state presented by transnational criminal activity, including by establishing a Texas Border Force and making funds available to certain governmental entities.), **As Introduced**

The fiscal implications of the bill cannot be determined due to the size and scope of the Texas Border Force being unknown.

The bill would require the Department of Public Safety (DPS) to periodically review technologies that may be deployed for border security operations to ensure the agency is utilizing innovative solutions for those operations.

The bill would create the Texas Border Force (TBF) as a division of the Texas Rangers to conduct border security operations, including law enforcement operations, intelligence gathering, surveillance, tactical operations, and training.

The bill would only allow commissioned officers of the TBF to carry out the duties assigned to a commissioned peace officer. Noncommissioned staff may support commissioned peace officers and infrastructure operations.

The bill would allow DPS to enter into a written agreement with the Texas Military Department (TMD) to assign service members of the Texas military forces to the TBF and reimburse TMD for hiring, training, salary and benefits costs incurred with as a result.

The bill would require DPS to purchase and deploy technology and equipment to detect and suppress criminal activity along the Texas-Mexico border including razor wire, buoy barriers, and surveillance and detection technology at each port to inspect passenger and commercial vehicles for smuggling of individuals or controlled substances. DPS would be granted all purchasing and procurement capabilities related to the purchase of technologies and equipment for border security operations.

The bill would allow DPS to offer credit for up to four years of experience as a Border Patrol Agent of the United States Customs and Border Protection or a member of the armed forces of the United States for the purpose of calculating an officer's salary under Schedule C.

The bill would restrict a municipality, county, or special purpose district from limiting the jurisdiction or authority of the TBF.

The bill would expand the duties of the Interagency Work Group on Border Issues to identify and develop solutions to challenges and threats to state agencies along the border and adds the heads of the Texas Division of Emergency Management, the Texas Alcoholic Beverage Commission, and the TMD as designees.

The bill would allow funds appropriated to the Trusteed Programs within the Office of the Governor (OOG Trusteed Programs) to be made available to state agencies and local governments for the construction and maintenance of facilities related to prosecuting and adjudicating offenses committed in the border region;

construction and improvement in the vicinity of a port of entry to enhance vehicle inspection; construction and maintenance of temporary security infrastructure; and other activities determined to be necessary to address offenses committed related to transnational criminal activity.

The bill would give the Governor authority to execute agreements with the United Mexican States and the states of the United Mexican States for the protection and defense of the citizens of Texas.

According to DPS, the cost to implement the provisions of the bill, while assumed to be significant, cannot be determined at this time due to the size and scope of the TBF being unknown. For context, if it was determined DPS would contract with 300 Texas State Guardsmen, the agency would require \$27,960,750 in General Revenue in fiscal year 2024 and \$23,176,000 in fiscal year 2025. This estimate assumes \$75,000 per fiscal year for each Texas State Guardsman for salary and benefits, \$4,784,625 in fiscal year 2024 for 75 vehicles equipped with radios, and \$676,125 each fiscal year for fuel and maintenance.

According to DPS, technology costs would total \$52,000,000 in fiscal year 2024 and \$12,000,000 in fiscal year 2025 for five advanced scanning stations at ports of entry (\$40,000,000 in fiscal year 2024 only) and intelligence software (\$12,000,000 per fiscal year).

Based on information provided by the OOG Trusteed Programs, additional resources may be needed in order to implement the provisions of the bill depending on the amount of grant funds made available to states agencies and local governments.

Local Government Impact

According to OOG Trusteed Programs, local governments could see a positive fiscal impact due to grant funding for border infrastructure, facilities, equipment, and services.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 304 Comptroller of Public Accounts, 313 Department of Information Resources, 405 Department of Public Safety

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