

AN ACT

relating to border issues.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0197 to read as follows:

Sec. 411.0197. ADVISORY OVERSIGHT COMMUNITY OUTREACH COMMITTEE. (a) The commission shall establish an Advisory Oversight Community Outreach Committee in the department and may adopt rules for the implementation and operation of the committee. The committee shall meet at the times and places specified by commission rule or at the call of the presiding officer or any two members.

(b) The commission shall appoint the members of the committee, which must include border crossing bridge owners, persons serving in the capacity of director of entities governing ports of entry, community leaders, planning developers, mayors, or persons designated by mayors, of the major municipalities in the area of the border of this state and the United Mexican States, representatives of law enforcement agencies, and representatives of the general public.

(c) The commission shall designate the presiding officer of the committee from among the committee's members. The presiding officer serves at the will of the commission.

(d) The committee shall:

1 (1) document to the commission trade-related
2 incidents involving department personnel;

3 (2) develop recommendations and strategies to improve
4 community relations, department personnel conduct, and the truck
5 inspection process at this state's ports of entry; and

6 (3) act as ombudsman between the department and the
7 communities located and residents residing in the area of the
8 border of this state and the United Mexican States and between the
9 department and the department's personnel.

10 (e) In determining action to be taken on the information and
11 recommendations received from the committee, the commission shall
12 consider the importance of trade with the United Mexican States,
13 the safety of the traveling public, preservation of the highway
14 system, applicable federal laws and regulations, and the concerns
15 expressed by communities.

16 (f) Not later than January 1 of each odd-numbered year the
17 commission shall submit to the lieutenant governor, speaker of the
18 house of representatives, and each other member of the legislature
19 a report documenting the committee's recommendations and comments,
20 incident reports received by the committee, and the actions taken
21 by the commission and department to address those matters.

22 SECTION 2. Subtitle F, Title 4, Government Code, is amended
23 by adding Chapter 490 to read as follows:

24 CHAPTER 490. TEXAS-MEXICO STRATEGIC INVESTMENT COMMISSION

25 Sec. 490.001. DEFINITIONS. In this chapter:

26 (1) "Commission" means the Texas-Mexico Strategic
27 Investment Commission.

1 (2) "Texas-Mexico border region" has the meaning
2 assigned by Section 2056.002.

3 Sec. 490.002. PURPOSE. The ongoing economic stability and
4 growth of Texas and the improved quality of life for all Texans are
5 dependent in part on coordination with neighboring states. Texas
6 and the Mexican border states of Chihuahua, Coahuila, Nuevo Leon,
7 and Tamaulipas face common challenges in the areas of
8 infrastructure, health care, access to and availability of water,
9 economic development and trade, and environmental protection. The
10 commission will encourage a collaborative approach between Texas
11 and neighboring Mexican states in specific areas so as to better
12 address challenges and plan for the future.

13 Sec. 490.003. TEXAS-MEXICO STRATEGIC INVESTMENT
14 COMMISSION; MEMBERS. (a) The Texas-Mexico Strategic Investment
15 Commission is established.

- 16 (b) The commission is composed of:
- 17 (1) the border commerce coordinator or a designee;
 - 18 (2) the executive director of the Texas Department of
19 Transportation or a designee;
 - 20 (3) the executive administrator of the Texas Water
21 Development Board or a designee;
 - 22 (4) the commissioner of state health services or a
23 designee;
 - 24 (5) the chair of the Railroad Commission or a
25 designee; and
 - 26 (6) the executive director of the Texas Commission on
27 Environmental Quality or a designee.

1 (c) The border commerce coordinator shall serve as the chair
2 of the commission.

3 Sec. 490.004. FUNCTIONS OF COMMISSION. (a) The commission
4 shall:

5 (1) represent government agencies within the
6 Texas-Mexico border region to help reduce regulations by improving
7 communication and cooperation between federal, state, and local
8 governments;

9 (2) examine trade issues between the United States and
10 Mexico;

11 (3) study the flow of commerce at ports of entry
12 between this state and Mexico, including the movement of commercial
13 vehicles across the border, and establish a plan to aid that
14 commerce and improve the movement of those vehicles;

15 (4) work with federal officials to resolve
16 transportation issues involving infrastructure, including roads
17 and bridges, to allow for the efficient movement of goods and people
18 across the border between Texas and Mexico;

19 (5) work with federal officials to create a unified
20 federal agency process to streamline border crossing needs;

21 (6) identify problems involved with border truck
22 inspections and related trade and transportation infrastructure;

23 (7) work to increase funding for the North American
24 Development Bank to assist in the financing of water and wastewater
25 facilities;

26 (8) explore the sale of excess electric power from
27 Texas to Mexico;

1 (9) identify areas of environmental protection that
2 need to be addressed cooperatively between Texas and the Mexican
3 states;

4 (10) identify common challenges to health care on
5 which all states can collaborate; and

6 (11) develop recommendations, when possible, for
7 addressing border challenges.

8 (b) The commission shall work with local governments,
9 metropolitan planning organizations, and other appropriate
10 community organizations in the Texas Department of
11 Transportation's Pharr, Laredo, and El Paso transportation
12 districts, and with comparable entities in Mexican states bordering
13 those districts, to address the unique planning and capacity needs
14 of those areas. The commission shall assist those governments,
15 organizations, and entities to identify and develop initiatives to
16 address those needs.

17 (c) The commission shall work with industries and
18 communities on both sides of the Texas-Mexico border to develop
19 international industry cluster initiatives to capitalize on
20 resources available in communities located adjacent to each other
21 across the border.

22 (d) The commission may meet at least once a year with
23 representatives from the Mexican states of Chihuahua, Coahuila,
24 Nuevo Leon, and Tamaulipas during the Border Governors Conference
25 to discuss issues and challenges of the Texas-Mexico border region
26 and develop strategic collaborative approaches for addressing the
27 challenges.

1 Sec. 490.005. FUNDING. (a) In addition to any amount
2 appropriated by the legislature, the commission may request state
3 agencies to apply for funds from the federal government or any other
4 public or private entity. The commission may also solicit grants,
5 gifts, and donations from private sources on the state's behalf.
6 The use of a gift, grant, or donation solicited under this section
7 must be consistent with the purposes of the commission.

8 (b) The commission shall review and may require reports of
9 state agencies that receive appropriations, gifts, grants,
10 donations, or endowments as a result of the commission's
11 recommendations.

12 (c) A state agency may accept a gift, grant, donation, or
13 endowment received as a result of the commission's recommendations.

14 SECTION 3. (a) Section 772.010, Government Code, as added
15 by Chapters 429 and 1339, Acts of the 76th Legislature, Regular
16 Session, 1999, is reenacted and amended to read as follows:

17 Sec. 772.010. BORDER COMMERCE COORDINATOR. (a) The
18 governor shall designate a border commerce coordinator in the
19 governor's office or the office of the secretary of state as
20 determined by the governor. The coordinator shall:

21 (1) examine trade issues between the United States,
22 Mexico, and Canada;

23 (2) act as an ombudsman for government agencies within
24 the Texas and Mexico border region to help reduce regulations by
25 improving communication and cooperation between federal, state,
26 and local governments;

27 (3) study the flow of commerce at ports of entry

1 between this state and Mexico, including the movement of commercial
2 vehicles across the border, ~~[+]~~ and establish a plan to aid that
3 commerce and improve the movement of those vehicles;

4 (4) [~~3~~] work with federal officials to resolve
5 transportation issues involving infrastructure, including roads
6 and bridges, to allow for the efficient movement of goods and people
7 across the border between Texas and Mexico;

8 (5) [~~4~~] work with federal officials to create a
9 unified federal agency process to streamline border crossing needs;

10 (6) [~~5~~] work to increase funding for the North
11 American Development Bank to assist in the financing of water and
12 wastewater facilities; and

13 (7) [~~6~~] explore the sale of excess electric power
14 from Texas to Mexico.

15 (b) The governor shall appoint a border commerce
16 coordinator to serve at the will of the governor in the governor's
17 office or in the office of the secretary of state and may select the
18 secretary of state as the coordinator.

19 (c) The coordinator shall work with the interagency work
20 group established under Section 772.011, and with local
21 governments, metropolitan planning organizations, and other
22 appropriate community organizations adjacent to the border of this
23 state with the United Mexican States, and with comparable entities
24 in Mexican states adjacent to that border, to address the unique
25 planning and capacity needs of those areas. The coordinator shall
26 assist those governments, organizations, and entities to identify
27 and develop initiatives to address those needs. Before January 1

1 of each year, the coordinator shall submit to the presiding officer
2 of each house of the legislature a report of the coordinator's
3 activities under this subsection during the preceding year.

4 (d) The coordinator shall:

5 (1) work with private industry and appropriate
6 entities of Texas and the United States to require that low-sulfur
7 fuel be sold along highways in Texas carrying increased traffic
8 related to activities under the North American Free Trade
9 Agreement; and

10 (2) work with representatives of the government of
11 Mexico and the governments of those Mexican states bordering Texas
12 to increase the use of low-sulfur fuel.

13 (b) Chapter 772, Government Code, is amended by adding
14 Sections 772.0101 and 772.0102 to read as follows:

15 Sec. 772.0101. BORDER INSPECTION, TRADE, AND
16 TRANSPORTATION ADVISORY COMMITTEE. (a) The border commerce
17 coordinator shall establish and appoint the members of the Border
18 Inspection, Trade, and Transportation Advisory Committee. The
19 members must include representatives of the Texas Department of
20 Transportation, the Department of Public Safety of the State of
21 Texas, the Office of State-Federal Relations, the United States
22 Department of Transportation, the Federal Motor Carrier Safety
23 Administration, and other representatives of state and federal
24 agencies involved in border crossing issues. Chapter 2110 does not
25 apply to the size, composition, or duration of the Border
26 Inspection, Trade, and Transportation Advisory Committee.

27 (b) The coordinator shall work with the advisory committee

1 and the interagency work group established under Section 772.011
2 to:

3 (1) identify problems involved with border truck
4 inspections and related trade and transportation infrastructure;
5 and

6 (2) develop recommendations for addressing those
7 problems.

8 (c) The coordinator shall work with the advisory committee
9 and appropriate agencies of Texas, the United States, and Mexico to
10 develop initiatives to mitigate congestion at ports of entry at the
11 Mexican border by conducting in Mexico inspections of trucks
12 entering Texas. In developing the initiatives, the coordinator
13 shall give consideration to similar initiatives proposed or
14 implemented at the border of the United States and Canada.

15 (d) The coordinator shall report quarterly to the presiding
16 officer of each house of the legislature on the findings and
17 recommendations of the advisory committee.

18 Sec. 772.0102. TRADE AND COMMERCE PLAN. (a) The border
19 commerce coordinator shall develop, in conjunction with
20 representatives of chambers of commerce, metropolitan planning
21 organizations adjacent to the United Mexican States, and private
22 industry groups, and with the advice of the interagency work group
23 established under Section 772.011, a comprehensive trade and
24 commerce plan for the region designed to:

25 (1) increase trade by attracting new business
26 ventures;

27 (2) support expansion of existing industries; and

1 (3) address workforce training needs.

2 (b) The plan must cover five-year, 10-year, and 15-year
3 periods.

4 (c) The coordinator shall work with industries and
5 communities on both sides of the border to develop international
6 industry cluster initiatives to capitalize on resources available
7 in communities located adjacent to each other across the border.

8 (d) The coordinator shall conduct annual conferences of
9 interested persons, working with chambers of commerce and
10 universities of this state along the Texas and Mexico border
11 region, and shall host those conferences at no cost to the
12 coordinator. The purposes of the conferences are to:

13 (1) make the trade and commerce plan public;

14 (2) report on updated findings and progress of
15 implementation of the plan; and

16 (3) develop new international industry cluster
17 initiatives.

18 (c) This section takes effect only if a specific
19 appropriation for the implementation of this section is provided in
20 S.B. No. 1 (General Appropriations Act), Acts of the 79th
21 Legislature, Regular Session, 2005. If no specific appropriation
22 is provided in the General Appropriations Act, this section has no
23 effect.

24 SECTION 4. Chapter 772, Government Code, is amended by
25 adding Section 772.011 to read as follows:

26 Sec. 772.011. INTERAGENCY WORK GROUP ON BORDER ISSUES. (a)
27 An interagency work group is created to:

1 (1) develop or update a process to allow agencies to
2 work together on issues that face border communities;

3 (2) discuss and coordinate programs and services
4 offered to border communities and residents of border communities;
5 and

6 (3) develop regulatory and legislative
7 recommendations to eliminate duplication and combine program
8 services.

9 (b) The work group is composed of the heads of the following
10 agencies or their designees:

11 (1) the Office of Rural Community Affairs;

12 (2) the Texas Department of Housing and Community
13 Affairs;

14 (3) the Texas Water Development Board;

15 (4) the Texas Department of Transportation;

16 (5) the Texas Commission on Environmental Quality;

17 (6) the Texas Workforce Commission;

18 (7) the Department of State Health Services;

19 (8) the Health and Human Services Commission;

20 (9) the General Land Office;

21 (10) the Texas Education Agency;

22 (11) the Texas Economic Development and Tourism
23 Office;

24 (12) the Texas Office of State-Federal Relations;

25 (13) the Texas Higher Education Coordinating Board;

26 (14) the attorney general's office;

27 (15) the secretary of state's office;

1 (16) the Department of Public Safety; and

2 (17) the Railroad Commission.

3 (c) The work group shall meet at least once each year in
4 Austin to discuss border issues and to provide information showing
5 the impact each agency has on border communities for use in
6 developing border policy.

7 (d) In this section, "border region" means the portion of
8 this state located within 100 kilometers of this state's
9 international border.

10 (e) In fulfilling its duties, the work group shall consider
11 the effect of policies instituted by the federal government
12 impacting the border region.

13 SECTION 5. Section 502.054(a), Transportation Code, is
14 amended to read as follows:

15 (a) The department, through its director, may enter into an
16 agreement with an authorized officer of another jurisdiction,
17 including another state of the United States, a foreign country or a
18 state, province, territory, or possession of a foreign country, to
19 provide for:

20 (1) the registration of vehicles by residents of this
21 state and nonresidents on an allocation or mileage apportionment
22 plan, as under the International Registration Plan; and

23 (2) the exemption from payment of registration fees by
24 nonresidents if residents of this state are granted reciprocal
25 exemptions.

26 SECTION 6. Section 112.003, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 112.003. POWERS AND DUTIES. (a) The foundation shall
2 raise money from other foundations, governmental entities, and
3 other sources to finance health programs [~~in this state~~] in areas
4 adjacent to the border with the United Mexican States.

5 (b) The foundation shall:

6 (1) identify and seek potential partners in the
7 private sector that will afford this state the opportunity to
8 maintain or increase the existing levels of financing of health
9 programs and activities;

10 (2) engage in outreach efforts to make the existence
11 of the office known to potential partners throughout this area
12 [~~state~~]; and

13 (3) perform any other function necessary to carry out
14 the purposes of this section.

15 (c) The department shall review programs from all agencies
16 under its control to determine which projects should be available
17 to receive money under Subsection (a).

18 (d) The foundation has the powers necessary and convenient
19 to carry out its duties.

20 SECTION 7. Section 112.004, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 112.004. ADMINISTRATION. (a) The foundation is
23 governed by a board of five directors [~~appointed by the Texas Board~~
24 ~~of Health from individuals recommended by the commissioner~~].
25 Vacancies shall be filled by a vote of the board of directors of the
26 foundation from individuals recommended by the department.

27 (b) Members of the board of directors serve for staggered

1 terms of six years, with as near as possible to one-third of the
2 members' terms expiring every two years.

3 (c) Appointments to the board of directors shall be made
4 without regard to the race, color, disability, sex, religion, age,
5 or national origin of the appointees.

6 (d) The board of directors shall ensure that the foundation
7 remains eligible for an exemption from federal income tax under
8 Section 501(a), Internal Revenue Code of 1986, as amended, by being
9 listed as an exempt organization under Section 501(c)(3) of that
10 code, as amended.

11 SECTION 8. Subchapter D, Chapter 6, Water Code, is amended
12 by adding Section 6.112 to read as follows:

13 Sec. 6.112. BORDER PROJECTS WEBSITE. (a) In this section,
14 "border region" means the portion of this state located within 100
15 kilometers of this state's international border.

16 (b) The board may maintain and update an Internet-based
17 directory of border projects, also know as the Border Activity
18 Tracker, containing information about projects in the border region
19 in which a state agency is involved. The board shall establish
20 guidelines as to which projects and information are to be included
21 in the directory.

22 (c) Each state agency involved in a project in the border
23 region may electronically submit to the board any information
24 required under this section to be on the Internet-based directory
25 of border projects. Each state agency shall update the information
26 promptly, not less often than quarterly.

27 SECTION 9. This Act takes effect September 1, 2005.

David Newkumst

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 925 was passed by the House on May 20, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 925 on May 29, 2005, by a non-record vote.

Robert Honey
Chief Clerk of the House

I certify that H.B. No. 925 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 28, Nays 3.

Patricia Spaw
Secretary of the Senate

APPROVED: 18 JUNE 05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:20 AM O'CLOCK
18 JUNE 2005
Roger Williams
Secretary of State