

By: Guillen

H.B. No. 126

A BILL TO BE ENTITLED

AN ACT

relating to impeding illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure.

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

ARTICLE 1. BORDER BARRIER INFRASTRUCTURE

SECTION 1.01. Subchapter G, Government Code, is added to read as follows:

SUBCHAPTER G. BORDER BARRIER FUND

Sec. 421.111. DEFINITIONS. In this subchapter:

(1) "Border region" has the meaning assigned by Section 772.0071.

(2) "Local government" means a municipality or county.

(3) "Office" means the trustee programs within the office of the governor.

Sec. 421.112. USE OF CERTAIN FUNDS. (a) From money appropriated for that purpose, the office, as authorized by Chapter 418, including Subchapter D of that chapter, shall make funds available to state agencies and local governments for the following purposes:

(1) the construction and maintenance of temporary border security infrastructure, including temporary barriers, buoys, fences, wires, roads, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the

1 movement of persons or objects across the Texas-Mexico border at  
2 locations other than ports of entry;

3 (2) the construction of improvements, including  
4 surveillance and detection technology, to an area in the immediate  
5 vicinity of a port of entry to enhance vehicle inspection  
6 capabilities and assist in the investigation, interdiction, and  
7 prosecution of persons smuggling individuals or contraband,  
8 including controlled substances, such as fentanyl, cocaine,  
9 heroin, and methamphetamine, across the Texas-Mexico border; and

10 (3) the acquisition and construction of facilities,  
11 equipment and services to remove illegal immigrants from Texas.

12 Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS.  
13 In addition to funds appropriated by the legislature and for  
14 purposes of this subchapter, the office may:

15 (1) seek and apply for any available federal funds;  
16 and

17 (2) solicit and accept gifts, grants, and donations  
18 from any other source, public or private.

19 Sec. 421.114. RULES. The office may adopt rules for the  
20 administration of this subchapter.

21 Sec. 421.115. REPORTING REQUIREMENTS. (a) The recipient  
22 of funds for a purpose described by Section 421.112 shall submit to  
23 the office reports on an interval prescribed by the office  
24 regarding the use of the funds and any other issue related to the  
25 funds as determined by the office.

26 (b) Funds received by a state agency for a purpose described  
27 by Section 421.112 are considered border security funding for

1 purposes of reporting requirements in the General Appropriations  
2 Act.

3 Sec. 421.116. ADMINISTRATIVE COSTS. Unless otherwise  
4 provided by the appropriation, the division may use a reasonable  
5 amount, not to exceed five percent, of any general revenue  
6 appropriated for purposes of this subchapter to pay the costs of  
7 administering this subchapter.

8 Sec. 421.120. PURCHASE, DEPLOYMENT AND MAINTENANCE  
9 GUIDELINES FOR CERTAIN TECHNOLOGY AND EQUIPMENT. (a) The office  
10 shall develop guidelines for the purchase, deployment and  
11 maintenance of technology and equipment to enhance the state's  
12 ability to detect and suppress criminal activity along the  
13 Texas-Mexico border, including:

14 (1) temporary border security infrastructure,  
15 including temporary barriers, buoys, fences, wires, roads,  
16 trenches, surveillance technology, or other improvements, designed  
17 or adapted to surveil or impede the movement of persons or objects  
18 across the Texas-Mexico border at locations other than ports of  
19 entry; and

20 (2) surveillance and detection technology to be  
21 deployed at and near each port of entry along the Texas-Mexico  
22 border to detect and deter the improper entry of individuals from  
23 foreign nations and the smuggling of individuals and controlled  
24 substances, such as fentanyl, cocaine, heroin, and  
25 methamphetamine.

26 (3) the acquisition and construction of facilities,  
27 equipment and services to remove illegal immigrants from Texas.

1       (b) The guidelines to acquire goods and services under  
2 Subsection (a) shall consider any procurement method that provides  
3 the best value to the state. In developing the guidelines, the  
4 office shall consider the best value standards listed in Section  
5 2155.074.

6       Sec. 421.121. OPERATIONAL PLAN TO COORDINATE BORDER  
7 PROTECTION TECHNOLOGY AND EQUIPMENT.

8       (a) The office shall convene an advisory council on border  
9 protection technology and equipment.

10       (b) The governor shall determine the makeup of the advisory  
11 council on border protection technology and equipment, considering  
12 domestic and international subject matter experts.

13       (c) The advisory council on border protection technology  
14 and equipment shall develop and recommend to the governor and the  
15 legislature, a strategic plan that establishes the framework for  
16 the budgeting, procurement, implementation, and operations of  
17 border protection technology and equipment for state agencies and  
18 local governments.

19       (d) The strategic plan under Subsection (c) must include:

20               (1) goals and performance measures that involve  
21 collaboration and interoperability of state agencies and local  
22 governments;

23               (2) an evaluation of 8 U.S.C. Section 1325(a) and  
24 other federal laws relating to the requirement that the admission  
25 of aliens into the United States occur only at ports of entry; and

26               (3) an evaluation of the relationship between the  
27 financial efficiency and operation effectiveness of various types

1 of border protection technology and equipment.

2 (c) The advisory council on border protection technology  
3 and equipment shall twice a year report to the governor and the  
4 legislature, on the recommendations of the strategic plan.

5 (d) The office of the governor shall hold an annual  
6 technology fair at which vendors of emerging border protection  
7 technology and equipment demonstrate the capabilities of the  
8 products.

9 (e) The inaugural event required by Subsection (d) of this  
10 section must be held no later than September 1, 2024.

11 Sec. 421.122. TECHNOLOGY POLICY; REVIEW. (a) The office  
12 shall implement a policy requiring state agencies to use  
13 appropriate technological solutions to improve the state's  
14 homeland security efforts. The policy must ensure that the state's  
15 capability to conduct border security operations and similar  
16 functions is not impeded by the use of obsolete or outdated  
17 technologies.

18 (b) The office shall, based upon the recommendations of the  
19 advisory council on border protection technology and equipment,  
20 periodically review emerging technologies that may be deployed for  
21 border security operations, including technologies and equipment  
22 described by Section 421.120(a), to ensure the state agencies  
23 consistently adopt innovative technologies and solutions for those  
24 operations.

25 SECTION 1.02. As soon as practicable after the effective  
26 date of this article, the office of the governor shall adopt rules  
27 as necessary to implement Subchapter G, Chapter 421, Government

1 Code, as added by this article.

2 ARTICLE 2. SEVERABILITY; EFFECTIVE DATE

3 SECTION 2.01. It is the intent of the legislature that every  
4 provision, section, subsection, sentence, clause, phrase, or word  
5 in this Act, and every application of the provisions in this Act to  
6 every person, group of persons, or circumstances, is severable from  
7 each other. If any application of any provision in this Act to any  
8 person, group of persons, or circumstances is found by a court to be  
9 invalid for any reason, the remaining applications of that  
10 provision to all other persons and circumstances shall be severed  
11 and may not be affected.

12 SECTION 2.02. This Act takes effect immediately if it  
13 receives a vote of two-thirds of all the members elected to each  
14 house, as provided by Section 39, Article III, Texas Constitution.  
15 If this Act does not receive the vote necessary for immediate  
16 effect, this Act takes effect on the 91st day after the last day of  
17 the legislative session.