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H.B. No. 3782

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Border Security Advisory Council and  
the Border Protection Task Force.

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

ARTICLE 1. BORDER SECURITY ADVISORY COUNCIL

SECTION 1.01. Subchapter B-1, Chapter 421, Government Code,  
is amended by adding Section 421.0425 to read as follows:

Sec. 421.0425. BORDER SECURITY ADVISORY COUNCIL. (a) The  
Border Security Advisory Council is a permanent special advisory  
committee created to advise the legislature and the governor or the  
governor's designee on homeland security issues impacting the  
security of the Texas-Mexico border and on streamlining statewide  
border security activities and initiatives.

(b) The council is composed of:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) four senators appointed by the lieutenant governor

who collectively meet the following requirements:

(A) two senators must be members of the political  
party with the most members in the senate and two senators must be  
members of the political party with the second most members in the  
senate;

(B) two senators must represent senatorial  
districts located in the border region; and

1           (C) one senator must be the chair of the senate  
2 standing committee with primary jurisdiction over border security  
3 issues;

4           (4) four members of the house of representatives  
5 appointed by the speaker of the house of representatives who  
6 collectively meet the following requirements:

7           (A) two representatives must be members of the  
8 political party with the most members in the house and two  
9 representatives must be members of the political party with the  
10 second most members in the house;

11           (B) two representatives must represent house  
12 districts located in the border region; and

13           (C) one representative must be the chair of the  
14 house standing committee with primary jurisdiction over border  
15 security issues;

16           (5) as nonvoting members, the executive head of or a  
17 designee from each of the following:

18                   (A) Department of Public Safety;

19                   (B) Texas Military Department;

20                   (C) Texas Division of Emergency Management;

21                   (D) Parks and Wildlife Department;

22                   (E) Texas Department of Criminal Justice; and

23                   (F) Office of Court Administration of the Texas  
24 Judicial System;

25           (6) as a nonvoting member, the presiding officer of  
26 the border prosecution unit established under Section [772.052](#);

27           (7) the following nonvoting members appointed by the

1 governor or the governor's designee:

2 (A) one representative of a county located in the  
3 border region, other than a sheriff;

4 (B) one sheriff of a county located in the border  
5 region;

6 (C) one representative of a municipality located  
7 in the border region, other than a municipal police chief;

8 (D) one police chief of a municipality located in  
9 the border region; and

10 (E) one representative of the business community  
11 involved in international trade across the Texas-Mexico border; and

12 (8) other nonvoting members as determined by the  
13 governor or the governor's designee.

14 (c) The lieutenant governor and the speaker of the house of  
15 representatives are joint chairs of the council.

16 (d) A majority of the voting members of the council  
17 constitutes a quorum to transact business. If a quorum is present,  
18 the council may act on any matter within the council's jurisdiction  
19 by a majority vote.

20 (e) The council shall meet as often as necessary to perform  
21 the council's duties. Meetings may be held at any time at the  
22 request of either chair.

23 (f) As an exception to Chapter 551 and other law, for a  
24 meeting at which both joint chairs of the council are physically  
25 present, any number of the other council members may attend the  
26 meeting by use of telephone conference call, video conference call,  
27 or other similar technology. This subsection applies for purposes

1 of establishing a quorum or voting or for any other purpose allowing  
2 the members to fully participate in any council meeting. This  
3 subsection applies without regard to the subject or topics  
4 considered by the members at the meeting.

5 (g) A council meeting held by use of telephone conference  
6 call, video conference call, or other similar technology:

7 (1) is subject to the notice requirements applicable  
8 to other meetings;

9 (2) must specify in the notice of the meeting the  
10 location at which the joint chairs will be physically present;

11 (3) must be open to the public and audible to the  
12 public at the location specified in the notice under Subdivision  
13 (2); and

14 (4) must provide two-way audio communication between  
15 all council members attending the meeting during the entire  
16 meeting, and if the two-way audio communication link with any  
17 member attending the meeting is disrupted at any time, the meeting  
18 may not continue until the two-way audio communication link is  
19 reestablished.

20 (h) In addition to the duties under Section 421.045, the  
21 council shall:

22 (1) use statistical analyses and other research  
23 methods to conduct an in-depth examination of border safety  
24 initiatives and programs in this state that includes:

25 (A) an assessment of the cost-effectiveness of  
26 the use of state and local funds in ensuring border safety;

27 (B) an identification of critical border safety

1 problems; and  
2 (C) a determination of the state's long-range  
3 border safety needs;  
4 (2) recommend to the legislature and the governor:  
5 (A) strategies to solve the problems identified  
6 under Subdivision (1)(B);  
7 (B) policy priorities to address the long-range  
8 needs determined under Subdivision (1)(C); and  
9 (C) measures based on objective research and  
10 analysis to help guide state border safety policies;  
11 (3) advise the legislature and the governor regarding:  
12 (A) coordinating the goals and responsibilities  
13 for border security efforts of local and state agencies with  
14 jurisdiction over border security;  
15 (B) developing procedures for streamlining  
16 decision-making of local and state agencies with jurisdiction over  
17 border security; and  
18 (C) improving transparency of border security  
19 operations; and  
20 (4) advise and assist the legislature and the governor  
21 in developing plans, programs, and proposed legislation to improve  
22 the effectiveness of border safety initiatives and programs.  
23 (i) The council may hire staff or may contract with  
24 universities or other suitable entities to assist the council in  
25 carrying out the council's duties. Funding to support the  
26 operation of the council shall be provided from funds appropriated  
27 to the Texas Legislative Council.

1       (j) Not later than January 1 of each odd-numbered year, the  
2 council shall submit to the legislature and the governor a report  
3 that contains the recommendations described by Subsection (h)(2).

4       SECTION 1.02. Section 421.044, Government Code, is amended  
5 to read as follows:

6       Sec. 421.044. COMPENSATION AND REIMBURSEMENT OF EXPENSES  
7 PROHIBITED. (a) A person who is a member of a permanent special  
8 advisory committee created under this subchapter is not entitled to  
9 receive:

10       (1) compensation from this state for service on the  
11 committee; or

12       (2) except as provided by Subsection (b), travel  
13 expenses incurred by the person while conducting the business of  
14 the committee.

15       (b) A member of the Border Security Advisory Council created  
16 under Section 421.0425 is entitled to travel expenses described by  
17 Subsection (a)(2) as provided by the General Appropriations Act.

18                   ARTICLE 2. BORDER PROTECTION TASK FORCE

19       SECTION 2.01. Article 2.12, Code of Criminal Procedure, is  
20 amended to read as follows:

21       Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
22 officers:

23       (1) sheriffs, their deputies, and those reserve  
24 deputies who hold a permanent peace officer license issued under  
25 Chapter 1701, Occupations Code;

26       (2) constables, deputy constables, and those reserve  
27 deputy constables who hold a permanent peace officer license issued

1 under Chapter 1701, Occupations Code;

2 (3) marshals or police officers of an incorporated  
3 city, town, or village, and those reserve municipal police officers  
4 who hold a permanent peace officer license issued under Chapter  
5 1701, Occupations Code;

6 (4) rangers, officers, and members of the reserve  
7 officer corps commissioned by the Public Safety Commission and the  
8 Director of the Department of Public Safety;

9 (5) investigators of the district attorneys', criminal  
10 district attorneys', and county attorneys' offices;

11 (6) law enforcement agents of the Texas Alcoholic  
12 Beverage Commission;

13 (7) each member of an arson investigating unit  
14 commissioned by a city, a county, or the state;

15 (8) officers commissioned under Section 37.081,  
16 Education Code, or Subchapter E, Chapter 51, Education Code;

17 (9) officers commissioned by the General Services  
18 Commission;

19 (10) law enforcement officers commissioned by the  
20 Parks and Wildlife Commission;

21 (11) officers commissioned under Chapter 23,  
22 Transportation Code;

23 (12) municipal park and recreational patrolmen and  
24 security officers;

25 (13) security officers and investigators commissioned  
26 as peace officers by the comptroller;

27 (14) officers commissioned by a water control and

1 improvement district under Section 49.216, Water Code;

2 (15) officers commissioned by a board of trustees  
3 under Chapter 54, Transportation Code;

4 (16) investigators commissioned by the Texas Medical  
5 Board;

6 (17) officers commissioned by:

7 (A) the board of managers of the Dallas County  
8 Hospital District, the Tarrant County Hospital District, the Bexar  
9 County Hospital District, or the El Paso County Hospital District  
10 under Section 281.057, Health and Safety Code;

11 (B) the board of directors of the Ector County  
12 Hospital District under Section 1024.117, Special District Local  
13 Laws Code;

14 (C) the board of directors of the Midland County  
15 Hospital District of Midland County, Texas, under Section 1061.121,  
16 Special District Local Laws Code; and

17 (D) the board of hospital managers of the Lubbock  
18 County Hospital District of Lubbock County, Texas, under Section  
19 1053.113, Special District Local Laws Code;

20 (18) county park rangers commissioned under  
21 Subchapter E, Chapter 351, Local Government Code;

22 (19) investigators employed by the Texas Racing  
23 Commission;

24 (20) officers commissioned under Chapter 554,  
25 Occupations Code;

26 (21) officers commissioned by the governing body of a  
27 metropolitan rapid transit authority under Section 451.108,



1 Transportation Code, or by a regional transportation authority  
2 under Section 452.110, Transportation Code;

3 (22) investigators commissioned by the attorney  
4 general under Section 402.009, Government Code;

5 (23) security officers and investigators commissioned  
6 as peace officers under Chapter 466, Government Code;

7 (24) officers appointed by an appellate court under  
8 Subchapter F, Chapter 53, Government Code;

9 (25) officers commissioned by the state fire marshal  
10 under Chapter 417, Government Code;

11 (26) an investigator commissioned by the commissioner  
12 of insurance under Section 701.104, Insurance Code;

13 (27) apprehension specialists and inspectors general  
14 commissioned by the Texas Juvenile Justice Department as officers  
15 under Sections 242.102 and 243.052, Human Resources Code;

16 (28) officers appointed by the inspector general of  
17 the Texas Department of Criminal Justice under Section 493.019,  
18 Government Code;

19 (29) investigators commissioned by the Texas  
20 Commission on Law Enforcement under Section 1701.160, Occupations  
21 Code;

22 (30) commission investigators commissioned by the  
23 Texas Private Security Board under Section 1702.061, Occupations  
24 Code;

25 (31) the fire marshal and any officers, inspectors, or  
26 investigators commissioned by an emergency services district under  
27 Chapter 775, Health and Safety Code;

1 (32) officers commissioned by the State Board of  
2 Dental Examiners under Section 254.013, Occupations Code, subject  
3 to the limitations imposed by that section;

4 (33) investigators commissioned by the Texas Juvenile  
5 Justice Department as officers under Section 221.011, Human  
6 Resources Code; ~~and~~

7 (34) the fire marshal and any related officers,  
8 inspectors, or investigators commissioned by a county under  
9 Subchapter B, Chapter 352, Local Government Code; and

10 (35) officers of the Border Protection Task Force  
11 commissioned by the task force chief under Section 425.054,  
12 Government Code.

13 SECTION 2.02. Subtitle B, Title 4, Government Code, is  
14 amended by adding Chapter 425 to read as follows:

15 CHAPTER 425. BORDER PROTECTION TASK FORCE

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 425.001. DEFINITIONS. In this chapter:

18 (1) "Alien" has the meaning assigned by 8 U.S.C.  
19 Section 1101.

20 (2) "Border region" has the meaning assigned by  
21 Section 772.0071.

22 (3) "Chief" means the chief of the task force.

23 (4) "Governing body" means the governing body of the  
24 state agency selected under Section 425.002.

25 (5) "Local government" means a municipality, county,  
26 special purpose district, or other political subdivision of this  
27 state.

1           (6) "Port of entry" means a port or place designated by  
2 the United States Department of Homeland Security at which an alien  
3 may apply to the department for admission into the United States.

4           (7) "State agency" means a board, commission,  
5 department, office, or other agency in the executive branch of  
6 state government.

7           (8) "Task force" means the Border Protection Task  
8 Force established under this chapter.

9           Sec. 425.002. BORDER SECURITY ADVISORY COUNCIL TO RECOMMEND  
10 STATE AGENCY FOR BORDER PROTECTION TASK FORCE. (a) The Border  
11 Security Advisory Council established under Section 421.0425 shall  
12 provide to the governor a list of recommendations for the state  
13 agency that will establish the Border Protection Task Force.

14           (b) The governor shall select from the list under Subsection  
15 (a) the state agency that will establish the Border Protection Task  
16 Force.

17           Sec. 425.003. BORDER PROTECTION TASK FORCE ESTABLISHED.  
18 (a) The governing body of the state agency selected under Section  
19 425.002 shall establish the Border Protection Task Force as a  
20 division within the agency to provide cross-functional expertise to  
21 border protection operations and improve efficiency and  
22 effectiveness of the border protection operations of the state  
23 agencies and political subdivisions of this state.

24           (b) The governing body shall appoint, with the approval of  
25 the governor, a chief of the task force.

26           (c) The chief serves at the will of the governing body.

27           Sec. 425.004. TERM OF AUTHORIZATION. (a) The task force is

1 subject to appropriations from the legislature and continues in  
2 existence until September 1, 2031, unless reauthorized by the  
3 legislature.

4 (b) This chapter expires September 1, 2031.

5 Sec. 425.005. HEADQUARTERS; REGIONAL OFFICES. The task  
6 force must be headquartered in the border region. The task force may  
7 establish regional offices along the Texas-Mexico border.

8 Sec. 425.006. CONSOLIDATION OF STATE AGENCY BORDER  
9 OPERATIONS. (a) The chief shall identify resources the task force  
10 needs to conduct border protection operations, including  
11 personnel, equipment, and facilities owned or controlled by state  
12 agencies that conduct border protection operations under Operation  
13 Lone Star. The chief may identify any resources dedicated to border  
14 security that are owned or controlled by:

15 (1) the office of the governor;

16 (2) the office of the attorney general;

17 (3) the Department of Public Safety;

18 (4) the Texas Military Department;

19 (5) the Parks and Wildlife Department;

20 (6) the Texas Alcoholic Beverage Commission;

21 (7) the Texas Department of Criminal Justice;

22 (8) the Texas Commission on Jail Standards;

23 (9) the Texas Commission on Law Enforcement;

24 (10) the Office of Court Administration of the Texas  
25 Judicial System;

26 (11) the Department of State Health Services;

27 (12) the Texas Department of Motor Vehicles;

- 1           (13) the Texas Division of Emergency Management;  
2           (14) the State Soil and Water Conservation Board; and  
3           (15) any other state agency designated by the  
4 governor.

5           (b) Each state agency that owns or controls resources  
6 identified under Subsection (a) shall dedicate those resources to  
7 the task force and its duties.

8           Sec. 425.007. REIMBURSEMENT FOR STATE USE OF LOCAL  
9 GOVERNMENT RESOURCES. (a) The chief shall identify resources the  
10 task force needs to conduct border protection operations, including  
11 personnel, equipment, and facilities owned or controlled by local  
12 governments that conduct border protection operations along the  
13 Texas-Mexico border.

14           (b) A local government that owns or controls resources  
15 identified under Subsection (a) may by written agreement with the  
16 task force dedicate those resources to the task force and its  
17 duties.

18           (c) A local government that dedicates resources to the task  
19 force under this section is entitled to reimbursement for the use of  
20 those resources as provided by the written agreement under  
21 Subsection (b) and the General Appropriations Act.

22           Sec. 425.0071. EMPLOYMENT OF DEDICATED PERSONNEL;  
23 COOPERATIVE WORK. (a) A person who is dedicated to the task force  
24 under Section 425.006 or 425.007 remains an employee of the  
25 assigning state agency or local government but the person may be  
26 assigned duties by the chief.

27           (b) A person who is dedicated to the task force shall work

1 cooperatively with employees of the task force and other persons  
2 dedicated to the task force under the guidance of the chief to  
3 achieve efficiency in efforts by state agencies and local  
4 governments to enforce the law in the border region.

5 Sec. 425.0072. COOPERATION WITH BORDER PROSECUTION UNIT.

6 (a) In this section, "border prosecution unit" means the border  
7 prosecution unit established under Section 772.052.

8 (b) The task force shall cooperate with the border  
9 prosecution unit to carry out the duties of the task force and the  
10 unit.

11 (c) The border prosecution unit as needed may assign a  
12 prosecutor from the unit to the task force headquarters or any  
13 regional office of the task force.

14 Sec. 425.008. GIFTS, GRANTS, AND DONATIONS. The task force  
15 may accept gifts, grants, and donations from any source, including  
16 private and nonprofit organizations, for the purposes of  
17 implementing this chapter.

18 Sec. 425.009. FEDERAL AND LOCAL COOPERATION. The task  
19 force shall coordinate with any federal agency or any local  
20 government as necessary to carry out the duties of the task force.

21 SUBCHAPTER B. POWERS AND DUTIES

22 Sec. 425.051. GENERAL POWERS AND DUTIES OF CHIEF; RULES.

23 (a) The chief shall:

24 (1) formulate plans and policies for the protection of  
25 the citizens of this state in the Texas-Mexico border region,  
26 including the air, maritime, and land borders of this state;

27 (2) organize the task force and supervise its

1 operation;

2 (3) maintain records of all task force proceedings and  
3 official orders; and

4 (4) biennially submit a report of the task force's  
5 operations to the governor and legislature.

6 (b) The chief is directly responsible to the governing body  
7 for the conduct of the task force and shall act as the chief  
8 administrative officer of the task force.

9 (c) The chief, with the approval of the governing body, may  
10 adopt rules necessary to carry out the duties of the task force,  
11 including rules for procuring equipment and facilities, providing  
12 training, and adopting policies governing the personnel of the task  
13 force.

14 Sec. 425.052. OPERATIONAL PLAN TO COORDINATE BORDER  
15 PROTECTION. (a) The chief or the chief's designee shall develop and  
16 recommend to the governor, the legislature, and the governing body  
17 a strategic plan that establishes the framework for the budgeting  
18 and operations of the task force, including homeland security  
19 strategies, to be administered by the task force and state agencies  
20 that provide assistance to the task force.

21 (b) The strategic plan under Subsection (a) must include:

22 (1) goals and performance measures that involve  
23 collaboration with other state agencies and local governments; and

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

27 (c) The chief shall annually report to the governor, the

1 legislature, and the governing body on the implementation of the  
2 strategic plan.

3 Sec. 425.053. DEPUTY CHIEFS. The chief, with the approval  
4 of the governing body, may appoint deputy chiefs and regional  
5 commanders to oversee the regional offices authorized by Section  
6 425.005.

7 Sec. 425.054. OFFICERS AND OTHER EMPLOYEES. (a) The chief  
8 may commission, with the approval of the governing body, officers  
9 of the task force as peace officers.

10 (b) The chief may hire any employees as necessary to carry  
11 out the duties of the task force.

12 Sec. 425.055. QUALIFICATIONS. (a) To be a commissioned  
13 officer of the task force, a person must hold or obtain a peace  
14 officer license under Chapter 1701, Occupations Code.

15 (b) To be a noncommissioned officer of the task force, a  
16 person must meet the qualifications set by the chief by rule.

17 (c) The chief may provide by rule for the qualifications of  
18 any other employees of the task force.

19 (d) The task force is an equal employment opportunity  
20 employer, and the task force may not discriminate against or give  
21 preferential treatment to any employee or job applicant on account  
22 of the individual's race, color, sex, national origin, or religion.

23 Sec. 425.056. TRAINING. The task force shall acquire  
24 equipment and facilities and conduct training necessary to carry  
25 out the operational, intelligence, communication, logistics, and  
26 administrative duties of the task force, including land, air, and  
27 maritime responsibilities. The task force shall conduct the



1 training in the border region.

2 Sec. 425.057. AUTHORITY OF DEDICATED PERSONNEL. (a) A  
3 person dedicated to the task force and its duties under Section  
4 425.006 or 425.007 retains the authority of the office held by the  
5 person with the dedicating state agency or local government and may  
6 exercise any powers granted to the task force under this chapter  
7 with the approval of the chief.

8 (b) The governing body, with the approval of the governor,  
9 may assign the person additional duties consistent with the duties  
10 of the task force under this chapter.

11 (c) Notwithstanding any other provision of this chapter, a  
12 person dedicated to the task force may not be granted any powers or  
13 authority that exceeds the powers or authority granted by other law  
14 to the office held by the person with the dedicating state agency or  
15 local government.

16 Sec. 425.058. USE OF DEDICATED PROPERTY. Any property,  
17 including equipment or facilities, dedicated to the task force and  
18 its duties under Section 425.006 or 425.007 may be used for the  
19 purposes of the dedicating state agency or local government or the  
20 purposes of the task force.

21 ARTICLE 3. EFFECTIVE DATE

22 SECTION 3.01. This Act takes effect immediately if it  
23 receives a vote of two-thirds of all the members elected to each  
24 house, as provided by Section 39, Article III, Texas Constitution.  
25 If this Act does not receive the vote necessary for immediate  
26 effect, this Act takes effect September 1, 2023.