

By: Parker

S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

relating to the homeland security activities of certain entities,
including the establishment and operations of the Homeland Security
Division in the Department of Public Safety.

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

SECTION 1. Section 411.002(a), Government Code, is amended
to read as follows:

(a) The Department of Public Safety of the State of Texas is
an agency of the state to enforce the laws protecting the public
safety and provide for the prevention and detection of crime. The
department is composed of the Texas Rangers, the Homeland Security
Division, the Texas Highway Patrol, the administrative division,
and other divisions that the commission considers necessary.

SECTION 2. Chapter 411, Government Code, is amended by
adding Subchapter S to read as follows:

SUBCHAPTER S. HOMELAND SECURITY DIVISION

Sec. 411.551. DEFINITIONS. In this subchapter:

(1) "Chief" means the chief of the division appointed
under Section 411.552.

(2) "Division" means the Homeland Security Division of
the department established under this subchapter.

(3) "Homeland security activity" has the meaning
assigned by Section 421.001.

(4) "Local government" includes any municipality,

1 county, special-purpose district or authority, or other political
2 subdivision of this state.

3 (5) "State agency" means a board, commission, council,
4 committee, department, office, agency, or other governmental
5 entity in the executive, legislative, or judicial branch of state
6 government. The term includes an institution of higher education
7 as defined by Section 61.003, Education Code.

8 Sec. 411.552. HOMELAND SECURITY DIVISION; CHIEF. (a) The
9 Homeland Security Division is established in the department to lead
10 multi-agency, multi-jurisdictional, and public-private efforts to
11 enhance the security and resiliency of this state.

12 (b) The director shall appoint the chief with the consent of
13 the commission and may assign to the division and the chief
14 department duties that relate to a homeland security activity.

15 (c) The chief acts as the chief administrative officer of
16 the division and is under the supervision and direction of the
17 director, and to the extent the director determines, a deputy
18 director of the department.

19 Sec. 411.553. DEPUTY CHIEFS AND OTHER EMPLOYEES;
20 DELEGATION. (a) The chief may employ deputy chiefs and other
21 employees as necessary to perform the duties or exercise the powers
22 of the division or perform any duty or exercise any power of the
23 department assigned to the division.

24 (b) The chief may delegate any power or duty assigned to the
25 division or chief unless prohibited by statute or rule.

26 Sec. 411.554. BORDER SECURITY: PLANNING AND COORDINATION.
27 (a) The division shall, in collaboration with any other person who

1 by law performs similar duties:

2 (1) provide the strategic and operational planning for
3 border security operations of this state; and

4 (2) support the border security operations of this
5 state by coordinating the efforts of federal and state agencies,
6 local governments, and private organizations and by ensuring
7 clarity and alignment on the priorities and responsibilities of
8 each stakeholder.

9 (b) The division shall assist as necessary the department,
10 including each department region, with the department's tactical
11 planning of border security operations. The division shall produce
12 intelligence and similar reports as necessary to provide the
13 assistance required by this subsection.

14 Sec. 411.555. BORDER SECURITY: INTELLIGENCE. (a) The
15 division shall coordinate the collection, dissemination, and
16 analysis of intelligence for this state's border security
17 operations and shall operate intelligence centers dedicated to this
18 purpose.

19 (b) The division shall establish policies and procedures
20 relating to the collection and management of intelligence,
21 including establishing collection priorities and assigning the
22 management responsibilities, for state agencies, local
23 governments, and any private organizations participating in border
24 security operations.

25 (c) With respect to the border security operations of this
26 state, the division shall analyze and assess collected intelligence
27 to produce information bulletins and other similar reports

1 considered advisable.

2 (d) The division shall manage the program for the
3 installation and monitoring of cameras and surveillance equipment
4 along the Texas-Mexico border, known as Operation Drawbridge.

5 Sec. 411.556. HOMELAND SECURITY PLANNING AND PREPAREDNESS.

6 (a) The division shall, in collaboration with any other person who
7 by law performs similar duties:

8 (1) regularly develop a comprehensive homeland
9 security strategic plan for this state;

10 (2) plan and facilitate homeland security exercises in
11 coordination with state and federal agencies, local governments,
12 and any participating private organizations, including exercises
13 to enhance the capabilities of the state operations center
14 described by Section [418.041\(e\)](#);

15 (3) develop operational and tactical plans for
16 significant law enforcement emergencies or contingencies,
17 including assisting each department region with developing plans
18 specific to the needs of that region;

19 (4) conduct assessments of risks and hazards to this
20 state and the capabilities of state and local stakeholders to
21 respond to the occurrence of those risks and hazards, including
22 coordinating the annual completion by state agencies and local
23 governments of the following federal assessments:

24 (A) the Threat and Hazard Identification and Risk
25 Assessment; and

26 (B) the Stakeholder Preparedness Review;

27 (5) establish programs for regular outreach to and

information sharing among public and private organizations
regarding homeland security preparedness, including:

(A) coordinating the Bomb-Making Materials
Awareness Program and similar programs; and

(B) ensuring private industry organizations are
aware of:

(i) threats to critical infrastructure,
such as espionage and sabotage operations;

(ii) best practices for protecting critical
infrastructure; and

(iii) available resources to assist in
protecting critical infrastructure and responding to those
threats; and

(6) assist state agencies and local governments in
complying with restrictions under federal law on commerce with
certain entities, including any entity:

(A) listed in Supplement No. 4 to 15 C.F.R. Part
744;

(B) identified as a Chinese military company by
the United States Secretary of Defense in accordance with Section
1260H of the National Defense Authorization Act for Fiscal Year
2021 (Pub. L. 116-283); or

(C) restricted under any similar sanction
program under federal law.

(b) The division shall develop any additional assessment
for risks and hazards, including for events such as mass
migrations, and acute demands on critical infrastructure, the

division considers necessary and include in the strategic plan required by Subsection (a)(1) recommendations to mitigate those risks and hazards.

(c) The division may administer, or assist the department in administering, an internship program for students and other interested persons to participate in the operations of the division, or the department, as appropriate.

Sec. 411.557. CRITICAL INFRASTRUCTURE PLANNING. (a) The division shall coordinate multi-agency, multi-jurisdictional, and public-private efforts to protect the critical infrastructure in this state. Within the 16 critical infrastructure sectors identified by the United States National Security Memorandum 22 (NSM-22), the division shall prioritize the division's efforts in ensuring the protection of critical infrastructure in the following sectors:

- (1) energy;
- (2) communications;
- (3) transportation systems; and
- (4) water and wastewater systems.

(b) With respect to potential threats to the critical infrastructure in this state, the division may analyze and assess collected intelligence to produce information bulletins and other similar reports considered advisable.

(c) The division shall develop a system to identify and categorize critical infrastructure in this state for the purpose of facilitating initiatives to protect the critical infrastructure, including for facilitating any risk assessment of critical

infrastructure assets or systems in this state and identifying any dependency or interdependency among those assets or systems.

(d) The division shall conduct exercises to enhance public-private coordination in protecting the critical infrastructure of this state.

(e) During any disaster, as that term is defined by Section 418.004, the division shall provide support to the state operations center described by Section 418.041(e).

Sec. 411.558. INFRASTRUCTURE LIAISON OFFICER PROGRAM. (a) The division shall operate a program to train volunteers from public and private organizations to:

(1) collect or receive intelligence information related to threats to critical infrastructure; and

(2) properly identify threats to critical infrastructure and report those threats to the department.

(b) The division may set reasonable eligibility requirements for the program.

Sec. 411.559. WORK GROUPS; STUDY OF TECHNOLOGIES. (a) The division may establish and appoint members to one or more work groups to:

(1) study any issue related to the division's duties or the homeland security activities of this state; and

(2) advise or produce written reports on an issue studied under Subdivision (1).

(b) A work group established under this section may be composed of representatives from state and federal agencies, local governments, and private organizations. The division may provide

1 administrative support for any work group established under this
2 section.

3 (c) The division shall, in collaboration with any person who
4 by law performs similar duties, establish or operate work groups to
5 study methods or technologies to enhance:

6 (1) the border security operations of this state; and

7 (2) the resiliency of the critical infrastructure,
8 including any task force established to survey the vulnerabilities
9 of state government, local governments, and critical
10 infrastructure.

11 Sec. 411.560. RESEARCH. (a) The division shall annually
12 propose to the commission the research priorities and a research
13 agenda for the department.

14 (b) The division shall coordinate with institutions of
15 higher education to enhance the research capabilities of the
16 institutions and the department by sharing information and aligning
17 priorities.

18 (c) The division shall research new technologies to enhance
19 the homeland security activities conducted by this state, including
20 any border security operation conducted by a state agency, local
21 government, or private organization.

22 Sec. 411.561. COUNSEL AND BUDGETING. (a) The division
23 shall, on request, provide subject matter expertise and counsel to
24 a state agency or local government regarding the state's border
25 security operations and critical infrastructure protection or
26 resilience initiatives, including related grant programs,
27 legislation, risk management assessments, and other initiatives.

1 (b) The division shall confer with each state agency
2 involved in any homeland security activity before each legislative
3 session regarding the portion of the state agency's budget request
4 that finances the agency's homeland security activities. The
5 division shall coordinate with the state agencies to eliminate
6 redundancies and increase the efficiency of state agency efforts in
7 conducting homeland security activities.

8 (c) The division may, in collaboration with the Legislative
9 Budget Board, adopt rules regarding the sharing of information
10 among state agencies that submit budget requests that include a
11 homeland security activity conducted by the requesting state
12 agency.

13 Sec. 411.562. GRANT AND REIMBURSEMENT PROGRAMS. (a)
14 Notwithstanding any other law establishing a grant or reimbursement
15 program administered by a state agency or local government related
16 to a homeland security activity, border security operation, or a
17 critical infrastructure protection initiative, the division shall,
18 in collaboration with the governor, set priorities and guidelines
19 for the program, including priorities for intended outcomes and
20 guidelines for assessing the effectiveness of the program.

21 (b) In setting the priorities and guidelines under
22 Subsection (a), the governor and division shall account for any
23 federal grant money secured and any accompanying restrictions or
24 requirements imposed by the federal agency awarding the grant.

25 Sec. 411.563. WEBSITE AND REPORTS. The division shall
26 maintain a publicly accessible Internet website and publish
27 assessments and other reports produced by the division that are not

1 excepted from disclosure under Section 552.021 and not
2 confidential.

3 SECTION 3. Section 421.002(a), Government Code, is amended
4 to read as follows:

5 (a) The governor shall direct homeland security in this
6 state and shall develop a statewide homeland security strategy that
7 improves the state's ability to:

8 (1) protect against homeland security threats and
9 hazards;

10 (2) respond to homeland security emergencies;

11 (3) recover from homeland security emergencies;

12 (4) mitigate the loss of life and property by
13 lessening the impact of future disasters; and

14 (5) prevent significant criminal and terrorist
15 attacks.

16 SECTION 4. Section 421.024, Government Code, is amended to
17 read as follows:

18 Sec. 421.024. DUTIES. The council shall, in collaboration
19 with the Homeland Security Division of the Department of Public
20 Safety, advise the governor on:

21 (1) the implementation of the governor's homeland
22 security strategy by state and local agencies and provide specific
23 suggestions for helping those agencies implement the strategy; and

24 (2) other matters related to the planning,
25 development, coordination, and implementation of initiatives to
26 promote the governor's homeland security strategy.

27 SECTION 5. Section 421.045, Government Code, is amended to

1 read as follows:

2 Sec. 421.045. DUTIES. Each permanent special advisory
3 committee created under this subchapter shall, in collaboration
4 with the Homeland Security Division of the Department of Public
5 Safety, advise the governor on:

6 (1) the implementation of the governor's homeland
7 security strategy by state and local agencies and provide specific
8 suggestions for helping those agencies implement the strategy;

9 (2) specific priorities related to the governor's
10 homeland security strategy that the committee determines to be of
11 significant importance to the statewide security of critical
12 infrastructure; and

13 (3) other matters related to the planning,
14 development, coordination, and implementation of initiatives to
15 promote the governor's homeland security strategy.

16 SECTION 6. (a) In this section:

17 (1) "Department" means the Department of Public
18 Safety.

19 (2) "Transferring agency" means a state agency that is
20 required to transfer the management and operations of a center to
21 the department under Subsection (b)(2) of this section.

22 (b) As soon as practicable after the effective date of this
23 Act, the department shall:

24 (1) transfer the management and operations of the
25 Border Security Operations Center and the Joint Operations and
26 Intelligence Centers to the Texas Homeland Security Division in the
27 department; and

1 (2) enter into a written agreement with any other
2 state agency that, before the effective date of this Act, is
3 involved in the management or operations of the centers described
4 by Subdivision (1) of this subsection for the transfer of the
5 management and operations of those centers to the division,
6 including any land, facilities, equipment, and other property
7 involved in the operations of the centers.

8 (c) The written agreement required by Subsection (b) (2) of
9 this section must specify an effective date for the transfer.

10 (d) Any rules, policies, procedures, decisions, and forms
11 of a transferring agency that relate to the management or
12 operations of a center in effect on the effective date of the
13 transfer remain in effect until changed by the department.

14 (e) All money, contracts, leases, property, software source
15 code and documentation, records, and obligations of a transferring
16 agency that relate to the management or operations of a center are
17 transferred to the department on the effective date of the
18 transfer.

19 (f) The unexpended and unobligated balance of any money
20 appropriated by the legislature relating to a center transferred
21 under this Act is transferred to the department on the effective
22 date of the transfer of the center.

23 (g) A transferring agency shall provide the department with
24 access to any systems, facilities, or information necessary for the
25 department to accept the management and operations of a center
26 transferred under this Act.

27 (h) On the effective date of the transfer, all full-time

1 equivalent employee positions at the transferring agency that
2 concern the management or operations of a center being transferred
3 become positions at the department. The department shall post the
4 positions for hiring and, when filling the positions, shall give
5 consideration to, but is not required to hire, an applicant who,
6 immediately before the date of the transfer, was an employee at a
7 transferring agency.

8 SECTION 7. This Act takes effect September 1, 2025.