

BILL ANALYSIS

Senate Research Center

H.B. 9
By: Bonnen et al. (Nelson)
Finance
8/30/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The continuing surge of individuals unlawfully crossing the Texas-Mexico border poses an ongoing and imminent threat of widespread and severe damage, including injury and loss of life, loss of property and property damage, increases in property crime, human trafficking, and violent crime, threats to public health, and a violation of sovereignty and territorial integrity. H.B. 9 seeks to mitigate these threats by providing supplemental appropriations and staffing relating to border security and gives direction regarding those appropriations.

H.B. 9 amends current law relating to making supplemental appropriations relating to border security and giving direction regarding those appropriations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL. (a) Provides that the amount of \$32,486,125 is appropriated from the general revenue fund to the Office of Court Administration (OCA), Texas Judicial Council for the purpose of providing funding for indigent legal representation, foreign language interpreters for courts, increased staff functions, equipment purchases, and program administration costs during the two-year period beginning on the effective date of this Act.

(b) Authorizes OCA, Texas Judicial Council during the two-year period beginning on the effective date of this Act, in addition to the number of full-time equivalent (FTE) employees other law authorizes OCA to employ during that period, to employ out of money appropriated by Subsection (a) of this section six FTE employees.

(c) Requires OCA, Texas Judicial Council, out of money appropriated by Subsection (a) of this section, to transfer \$905,200 to the Comptroller of Public Accounts of the State of Texas's Department, Judiciary Section for the purpose of providing funding for visiting judges.

SECTION 2. MILITARY DEPARTMENT. Provides that the amount of \$301,007,231 is appropriated from the general revenue fund to the Texas Military Department (TMD) for the purpose of providing funding for additional personnel to support border security operations during the two-year period beginning on the effective date of this Act.

SECTION 3. DEPARTMENT OF PUBLIC SAFETY. (a) Provides that the amount of \$133,506,725 is appropriated from the general revenue fund to the Department of Public Safety of the State of Texas (DPS) for the purpose of providing funding for 52 weeks of Operation Lone Star surge costs incurred during the two-year period beginning on the effective date of this Act.

(b) Provides that the amount of \$3,411,000 is appropriated from the general revenue fund to DPS for the purpose of providing funding to purchase tactical marine unit vessels during the two-year period beginning on the effective date of this Act.

(c) Provides that the amount of \$17,872,349 is appropriated from the general revenue fund to DPS for the purpose of providing funding for additional FTE employees during the two-year period beginning on the effective date of this Act.

(d) Authorizes DPS, during the two-year period beginning on the effective date of this Act, in addition to the number of FTE employees other law authorizes DPS to employ during that period, to employ out of money appropriated by Subsection (c) of this section 79 FTE employees.

SECTION 4. DEPARTMENT OF CRIMINAL JUSTICE. Provides that the amount of \$273,700,000 is appropriated from the general revenue fund to the Texas Department of Criminal Justice (TDCJ) for the purpose of providing funding for correctional security operations during the two-year period beginning on the effective date of this Act.

SECTION 5. COMMISSION ON JAIL STANDARDS. (a) Provides that the amount of \$214,785 is appropriated from the general revenue fund to the Texas Commission on Jail Standards (TCJS) for the purpose of providing funding to pay additional FTE employees, increased employee overtime compensation costs, and increased travel expenses during the two-year period beginning on the effective date of this Act.

(b) Authorizes TCJS, during the two-year period beginning on the effective date of this Act, in addition to the number of FTE employees other law authorizes TCJS to employ during that period, to employ out of money appropriated by Subsection (a) of this section three FTE employees.

SECTION 6. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR. (a) Provides that the amount of \$1,020,290,860 is appropriated from the general revenue fund to the Trusted Programs within the Office of the Governor for the purpose of providing funding for border security operations through the making of border security grants during the two-year period beginning on the effective date of this Act.

(b) Prohibits the money appropriated by Subsection (a) of this section from being used to acquire property through the exercise of eminent domain or to build a barrier along this state's international border with Mexico on property acquired through the exercise of eminent domain.

(c) Provides that the amount of \$3,765,000 is appropriated from the general revenue fund to the Trusted Programs within the Office of the Governor for the purpose of providing funding for additional FTE employees and for additional training regarding the handling of misdemeanor and felony crimes for eligible prosecuting attorneys, as defined by Section 772.0071(a) (relating to defining "eligible prosecuting attorney" for purposes of the Prosecution of Border Crime Grant Program), Government Code, during the two-year period beginning on the effective date of this Act.

(d) Authorizes the amount of \$14,000,000 in each state fiscal year of the state fiscal biennium beginning September 1, 2021, out of money appropriated by Subsection (a) of this section, to be used only to provide funding for grants to counties adjacent to this state's international border with Mexico to cover those counties' costs for additional law enforcement personnel and equipment, overtime pay for law enforcement personnel, and other expenses related to non-citizens held in county jail facilities, and for non-citizen autopsies.

SECTION 7. DEPARTMENT OF STATE HEALTH SERVICES. (a) Provides that the amount of \$5,450,976 is appropriated from the general revenue fund to the Department of State Health Services (DSHS) for the purpose of purchasing ambulance services during the two-year period beginning on the effective date of this Act.

(b) Provides that the amount of \$10,901,952 is appropriated from the general revenue fund to DSHS for the purpose of purchasing ambulance services for use at two border

security processing centers during the two-year period beginning on the effective date of this Act.

SECTION 8. BORDER SECURITY REPORTING REQUIREMENT. (a) Defines "border security" in this section to mean activities associated with deterring crimes and enforcing state laws related to offenses listed in Section 772.0071 (Prosecution of Border Crime Grant Program), Government Code, hunting and fishing laws related to poaching, laws for which this state receives federal grants intended to enhance law enforcement, or laws that relate to federal law enforcement operations, between designated entry and exit points in counties:

(1) adjacent to or a portion of which are located within 20 miles of an international border;

(2) adjacent to two counties located on an international border with a population of more than 5,000 and less than 7,500 according to the most recent federal decennial census;

(3) adjacent to the Gulf Intracoastal Waterway, as defined by Section 51.002 (Definitions), Transportation Code; or

(4) included in a disaster declaration relating to border security issued by the governor.

(b) Requires DPS, TMD, the Trusteed Programs within the Office of the Governor, TDCJ, TCJS, and OCA, Texas Judicial Council, to report all budgeted and expended amounts and performance indicator results for border security to the Legislative Budget Board (LBB).

(c) Requires the entities described by Subsection (b) of this section to provide the report required by that subsection on a quarterly basis and in the manner prescribed by the LBB. Requires that each report include, at a minimum:

(1) expended amounts and performance indicators for activities related to enforcing laws described by Subsection (a) of this section that occur:

(A) in each county described by Subsection (a) of this section as well as for statewide activities that support border security; or

(B) in any geographic region outside of the counties described by Subsection (a) of this section, as requested, such as areas identified as smuggling corridors;

(2) the method of finance of budgeted and expended amounts;

(3) the object of expense of budgeted and expended amounts;

(4) regular and overtime pay;

(5) the quarterly total number of border security-related apprehensions and arrests made by state law enforcement personnel deployed to geographic regions included in the areas described by Subsection (a) of this section, including the number of minors apprehended;

(6) the total quarterly number of individuals undergoing magistration, prosecution, or conviction for state crimes related to border security;

(7) the total quarterly number of individuals confined to state correctional facilities converted by TDCJ to confine those accused of state crimes related to border security;

(8) the quarterly total length, expressed in miles, and type of temporary and permanent fencing, barrier, or wall erected along the international border with Mexico; and

(9) the quarterly total number and amount of grants issued by the Trusteed Programs within the Office of the Governor to local jurisdictions and counties included in the area described by Subsection (a) of this section.

SECTION 9. EFFECTIVE DATE. Effective date: upon passage.