By:  Birdwell S.B. No. 8

(In the Senate - Filed May 31, 2023; June 2, 2023, read first time and referred to Committee on Border Security; June 6, 2023, reported favorably by the following vote: Yeas 3, Nays 2; June 6, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Birdwell        X

Flores          X

Blanco              X

Hinojosa            X

King            X

A BILL TO BE ENTITLED

AN ACT

relating to measures to address public safety threats in this state presented by transnational criminal activity, including by establishing a Texas Border Force and making funds available to certain governmental entities.

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

ARTICLE 1. TEXAS BORDER FORCE; DEPARTMENT OF PUBLIC SAFETY BORDER SECURITY FUNCTIONS

SECTION 1.01.  Section 411.0043, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that:

(1)  the public is able to interact with the department on the Internet; and

(2)  the department's capability to conduct border security operations and similar functions is not impeded by the use of obsolete or outdated technologies.

(c)  The department shall periodically review emerging technologies that may be deployed for border security operations, including technologies and equipment described by Section 411.0285, to ensure the department consistently adopts innovative technologies and solutions for those operations.

SECTION 1.02.  Chapter 411, Government Code, is amended by adding Subchapter B-2 to read as follows:

SUBCHAPTER B-2. TEXAS BORDER FORCE

Sec. 411.0281.  DEFINITION. In this subchapter, "border force" means the Texas Border Force established under this subchapter.

Sec. 411.0282.  TEXAS BORDER FORCE; CHIEF. (a)  The Texas Border Force is established in the Texas Rangers division of the department.

(b)  The chief of the Texas Rangers is the chief of the border force.

Sec. 411.0283.  BORDER OPERATIONS. (a) The border force may conduct border security operations along the Texas-Mexico border, including:

(1)  law enforcement operations;

(2)  intelligence gathering, analysis, and dissemination;

(3)  coordination and command of state agencies in border security operations led by the border force;

(4)  surveillance and detection of criminal activity, including improper entry of individuals from foreign nations and the smuggling of individuals and controlled substances, using cameras, unmanned aircraft, and other technologies;

(5)  interdiction of individuals committing criminal activity described by Subdivision (4);

(6)  coordination of local, state, and federal agencies conducting border security operations, including tactical operations such as special response teams, brush teams, and special weapons and tactics teams; and

(7)  training and education programs for the professional development of employees and agency partners carrying out border security operations.

(b)  Only commissioned officers of the border force may carry out the duties assigned to a commissioned peace officer. An employee of the border force who is not a commissioned peace officer may:

(1)  act in support of a commissioned peace officer; and

(2)  engage in support and infrastructure operations of the border force.

Sec. 411.0284.  ASSIGNMENT OF TEXAS MILITARY FORCES SERVICE MEMBERS. (a) In this section, "Texas military forces" has the meaning assigned by Section 437.001.

(b)  The department, at the request of the chief of the border force, may enter into a written agreement with the Texas Military Department for the assignment of service members of the Texas military forces to the border force. The agreement may provide for reimbursement by the department for hiring, training, salary, and employee benefit costs incurred by the Texas military forces in connection with service members assigned to the border force.

Sec. 411.0285.  PURCHASE AND DEPLOYMENT OF CERTAIN TECHNOLOGY AND EQUIPMENT. (a) The department, at the request of the chief of the border force, shall purchase and deploy technology and equipment to enhance the border force's ability to detect and suppress criminal activity along the Texas-Mexico border, including:

(1)  stacked razor wire barriers;

(2)  buoy barriers; and

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

(b)  The surveillance and detection technology described by Subsection (a)(3) may be used to inspect passenger and commercial vehicles passing through a port of entry or traveling in any direction within 30 miles of a port of entry.

(c)  The department shall employ a sufficient number of commercial vehicle inspectors to inspect vehicles using technology described by Subsection (a)(3).

(d)  Funds used to purchase technology and equipment described by Subsection (a) are considered funds expended for border security for purposes of reporting requirements in the General Appropriations Act, and the Legislative Budget Board may prescribe the form and manner of reporting the relevant budgeted and expended amounts and performance indicator results.

Sec. 411.0286.  HIRING OFFICERS WITH PREVIOUS BORDER PATROL OR MILITARY EXPERIENCE. Notwithstanding any other provision of law, the department may, at the time an officer is hired for the border force, elect to credit up to four years of experience as a Border Patrol Agent of the United States Customs and Border Protection or a member of the armed forces of the United States for the purpose of calculating the officer's salary under Schedule C. All officers are subject to a one-year probationary period under Section 411.007(g) notwithstanding the officer's rank or salary classification.

Sec. 411.0287.  INCREASED STAFFING; CERTAIN TRAINING. (a) The border force may as necessary to conduct border security operations and ensure the safety of the public along the Texas-Mexico border:

(1)  recruit, employ, and train officers and other staff; and

(2)  contract for additional officers and staff to meet an increased need for border security operations.

(b)  The border force shall expand programs for training officers to serve as members of a brush team.

Sec. 411.0288.  REPORTS. At least once each calendar quarter and at other times determined necessary by the governor or the chief of the border force, the chief of the border force shall submit a report to the governor containing information requested by the governor concerning the border force's operations.

Sec. 411.0289.  NO LIMITATION ON BORDER FORCE AUTHORITY BY LOCAL GOVERNMENTS. A political subdivision, including a municipality, county, or special purpose district, may not by any means limit the jurisdiction or authority of the border force.

SECTION 1.03.  Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.151 to read as follows:

Sec. 2155.151.  CERTAIN PURCHASES BY DEPARTMENT OF PUBLIC SAFETY. (a)  The Department of Public Safety is delegated all purchasing functions relating to the purchase of technologies and equipment for use in border security operations, including technology and equipment described by Section 411.0285, to ensure the department consistently adopts innovative technologies and solutions for those operations.

(b)  The Department of Public Safety shall acquire goods and services under Subsection (a) by any procurement method that provides the best value to the department. The Department of Public Safety shall consider the best value standards listed in Section 2155.074.

(c)  At the request of the Department of Public Safety, the comptroller or the Department of Information Resources, as appropriate, shall procure goods and services described by Subsection (a) for the Department of Public Safety. The Department of Public Safety may use the services of the comptroller or the Department of Information Resources in procuring goods and services described by Subsection (a).

SECTION 1.04.  (a) In reviewing emerging technologies under Section 411.0043(c), Government Code, as added by this article, the Department of Public Safety shall hold a technology fair at which vendors of emerging technology that may be used for conducting border security operations demonstrate the capabilities of the products.

(b)  The event required by Subsection (a) of this section must be held not later than September 1, 2024.

ARTICLE 2. INTERAGENCY WORK GROUP ON BORDER ISSUES

SECTION 2.01.  Sections 772.011(a) and (b), Government Code, are amended to read as follows:

(a)  An interagency work group is created to:

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

(2)  discuss and coordinate programs and services offered to border communities and residents of border communities; [~~and~~]

(3)  develop regulatory and legislative recommendations to eliminate duplication and combine program services;

(4)  identify and anticipate challenges and threats to agencies' operations along the Texas-Mexico border;

(5)  develop solutions to overcome the challenges and threats described by Subdivision (4); and

(6)  identify strategic opportunities agencies may use to enhance the capabilities and effectiveness of their roles in this state's operations along the Texas-Mexico border.

(b)  The work group is composed of:

(1)  the chair of the standing substantive committee of the senate with primary jurisdiction over border security, or the chair's designee;

(2)  the chair of the standing substantive committee of the house of representatives with primary jurisdiction over border security, or the chair's designee; and

(3)  the heads of the following agencies or their designees:

(A) [~~(1)~~]  the Texas Department of Rural Affairs;

(B) [~~(2)~~]  the Texas Department of Housing and Community Affairs;

(C) [~~(3)~~]  the Texas Water Development Board;

(D) [~~(4)~~]  the Texas Department of Transportation;

(E) [~~(5)~~]  the Texas Commission on Environmental Quality;

(F) [~~(6)~~]  the Texas Workforce Commission;

(G) [~~(7)~~]  the Department of State Health Services;

(H) [~~(8)~~]  the Health and Human Services Commission;

(I) [~~(9)~~]  the General Land Office;

(J) [~~(10)~~]  the Texas Economic Development and Tourism Office;

(K) [~~(11)~~]  the Office of State-Federal Relations;

(L) [~~(12)~~]  the Texas Higher Education Coordinating Board;

(M) [~~(13)~~]  the attorney general's office;

(N) [~~(14)~~]  the secretary of state's office;

(O) [~~(15)~~]  the Department of Public Safety; [~~and~~]

(P) [~~(16)~~]  the Railroad Commission of Texas;

(Q)  the Texas Division of Emergency Management;

(R)  the Texas Alcoholic Beverage Commission; and

(S)  the Texas Military Department.

ARTICLE 3. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES, EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 3.01.  Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. USE OF FUNDS FOR BORDER PROTECTION AND PUBLIC SAFETY

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 trusteed programs within the office of the governor.

Sec. 421.112.  USE OF CERTAIN FUNDS. 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 facilities related to prosecuting and adjudicating offenses committed in the border region, including court facilities, processing facilities, detention facilities, criminal justice centers, and other similar facilities;

(2)  the construction of improvements to an area in the immediate vicinity of a port of entry to enhance vehicle inspection capabilities and assist in the investigation, interdiction, and prosecution of persons smuggling individuals or contraband across the Texas-Mexico border;

(3)  the payment of staff salaries and benefits and the payment of operational expenses related to providing law enforcement services, emergency services, detention services, and court administration services;

(4)  the construction and maintenance of temporary border security infrastructure, including temporary walls, barriers, fences, wires, trenches, surveillance technology, or other improvements, designed or adapted to surveil or impede the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry; and

(5)  any other activity that the office determines necessary to address offenses that are committed in the border region or are related to transnational criminal activity.

Sec. 421.113.  ADMINISTRATIVE COSTS. Unless otherwise provided by the appropriation, the office may use a reasonable amount, not to exceed five percent, of any funds appropriated for purposes of this subchapter to pay the costs of administering this subchapter.

ARTICLE 4. BORDER PROTECTION AGREEMENTS

SECTION 4.01.  Title 7, Government Code, is amended by adding Chapter 795 to read as follows:

CHAPTER 795. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN STATES

Sec. 795.001.  AUTHORITY FOR AGREEMENTS. On behalf of this state, the governor may coordinate, develop, and execute agreements with the United Mexican States and the states of the United Mexican States regarding the authority of this state to protect and defend its citizens.

ARTICLE 5. SEVERABILITY; EFFECTIVE DATE

SECTION 5.01.  It is the intent of the legislature that every provision, section, subsection, sentence, clause, phrase, or word in this Act, and every application of the provisions in this Act to every person, group of persons, or circumstances, is severable from each other. If any application of any provision in this Act to any person, group of persons, or circumstances is found by a court to be invalid for any reason, the remaining applications of that provision to all other persons and circumstances shall be severed and may not be affected.

SECTION 5.02.  This Act takes effect on the 91st day after the last day of the legislative session.

\* \* \* \* \*