

By: Guillen

H.B. No. 127

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to measures to address public safety threats in this state  
3 presented by transnational criminal activity, including by  
4 establishing a Texas Homeland Security Division, and to compensate  
5 persons affected by those threats.

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

7 ARTICLE 1. TEXAS HOMELAND SECURITY DIVISION

8 SECTION 1.01. Article 2.12, Code of Criminal Procedure, is  
9 amended to read as follows:

10 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
11 officers:

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

15 (2) constables, deputy constables, and those reserve  
16 deputy constables who hold a permanent peace officer license issued  
17 under Chapter 1701, Occupations Code;

18 (3) marshals or police officers of an incorporated  
19 city, town, or village, and those reserve municipal police officers  
20 who hold a permanent peace officer license issued under Chapter  
21 1701, Occupations Code;

22 (4) rangers, officers, and members of the reserve  
23 officer corps commissioned by the Public Safety Commission and the  
24 Director of the Department of Public Safety;

- 1           (5) investigators of the district attorneys', criminal  
2 district attorneys', and county attorneys' offices;
- 3           (6) law enforcement agents of the Texas Alcoholic  
4 Beverage Commission;
- 5           (7) each member of an arson investigating unit  
6 commissioned by a city, a county, or the state;
- 7           (8) officers commissioned under Section [37.081](#),  
8 Education Code, or Subchapter [E](#), Chapter [51](#), Education Code;
- 9           (9) officers commissioned by the General Services  
10 Commission;
- 11          (10) law enforcement officers commissioned by the  
12 Parks and Wildlife Commission;
- 13          (11) officers commissioned under Chapter [23](#),  
14 Transportation Code;
- 15          (12) municipal park and recreational patrolmen and  
16 security officers;
- 17          (13) security officers and investigators commissioned  
18 as peace officers by the comptroller;
- 19          (14) officers commissioned by a water control and  
20 improvement district under Section [49.216](#), Water Code;
- 21          (15) officers commissioned by a board of trustees  
22 under Chapter [54](#), Transportation Code;
- 23          (16) investigators commissioned by the Texas Medical  
24 Board;
- 25          (17) officers commissioned by:
  - 26               (A) the board of managers of the Dallas County  
27 Hospital District, the Tarrant County Hospital District, the Bexar

1 County Hospital District, or the El Paso County Hospital District  
2 under Section 281.057, Health and Safety Code;

3 (B) the board of directors of the Ector County  
4 Hospital District under Section 1024.117, Special District Local  
5 Laws Code;

6 (C) the board of directors of the Midland County  
7 Hospital District of Midland County, Texas, under Section 1061.121,  
8 Special District Local Laws Code; and

9 (D) the board of hospital managers of the Lubbock  
10 County Hospital District of Lubbock County, Texas, under Section  
11 1053.113, Special District Local Laws Code;

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

14 (19) investigators employed by the Texas Racing  
15 Commission;

16 (20) officers commissioned under Chapter 554,  
17 Occupations Code;

18 (21) officers commissioned by the governing body of a  
19 metropolitan rapid transit authority under Section 451.108,  
20 Transportation Code, or by a regional transportation authority  
21 under Section 452.110, Transportation Code;

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

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

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

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

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

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

8           (28) officers appointed by the inspector general of  
9 the Texas Department of Criminal Justice under Section 493.019,  
10 Government Code;

11           (29) investigators commissioned by the Texas  
12 Commission on Law Enforcement under Section 1701.160, Occupations  
13 Code;

14           (30) commission investigators commissioned by the  
15 Texas Private Security Board under Section 1702.061, Occupations  
16 Code;

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

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

23           (33) investigators commissioned by the Texas Juvenile  
24 Justice Department as officers under Section 221.011, Human  
25 Resources Code; ~~and~~

26           (34) the fire marshal and any related officers,  
27 inspectors, or investigators commissioned by a county under

1 Subchapter B, Chapter 352, Local Government Code; and  
2 (35) officers of the Texas Homeland Security Division  
3 commissioned by the secretary of homeland security under Section  
4 425.202, Government Code.

5 SECTION 1.02. Subtitle B, Title 4, Government Code, is  
6 amended by adding Chapter 425 to read as follows:

7 CHAPTER 425. TEXAS HOMELAND SECURITY DIVISION

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 425.001. DEFINITIONS. In this chapter:

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

12 (2) "Homeland Security Division" means the Texas  
13 Homeland Security Division established under this chapter.

14 (3) "Border region" has the meaning assigned by  
15 Section 772.0071.

16 (4) "Secretary" means the secretary of homeland  
17 security.

18 (5) "Local government" means a municipality, county,  
19 special purpose district, or other political subdivision of this  
20 state.

21 (6) "Office" means the office of the governor.

22 (7) "Port of entry" means a port of entry described by  
23 Part 101, Title 19, Code of Federal Regulations (19 C.F.R. Part 101)  
24 or 22 C.F.R. Section 40.1.

25 (8) "State agency" means a board, commission,  
26 department, office, or other agency in the executive branch of  
27 state government.

1           (9) "Federal agency" means a board, commission,  
2 department, office, or other agency in the executive branch of  
3 federal government.

4           Sec. 425.002. TEXAS HOMELAND SECURITY DIVISION  
5 ESTABLISHED. The office shall establish the Texas Homeland  
6 Security Division as a division within the office to provide  
7 cross-functional expertise to border protection operations and  
8 improve efficiency and effectiveness of the border protection  
9 operations of the state agencies and political subdivisions of this  
10 state.

11           Sec. 425.003. SECRETARY OF HOMELAND SECURITY. (a) The  
12 governor shall appoint a United States citizen to serve as the  
13 secretary of homeland security in charge of the Texas Homeland  
14 Security Division. The secretary serves until removed by the  
15 governor.

16           (b) The secretary may appoint, with the advice and consent  
17 of the governor, deputy secretaries and assistant secretaries who  
18 shall perform the duties that the secretary designates. Deputy  
19 secretaries and assistant secretaries serve until removed by the  
20 secretary.

21           (c) The secretary, deputy secretaries, and assistant  
22 secretaries are entitled to annual salaries as provided by the  
23 legislature.

24           Sec. 425.004. TERM OF AUTHORIZATION. (a) The Homeland  
25 Security Division is subject to appropriations from the legislature  
26 and continues in existence until September 1, 2031, unless  
27 reauthorized by the legislature.

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

2        Sec. 425.005. HEADQUARTERS; REGIONAL OFFICES. The Homeland  
3 Security Division must be headquartered in the border region. The  
4 Homeland Security Division may establish regional offices along the  
5 Texas-Mexico border.

6        Sec. 425.006. COOPERATION WITH BORDER PROSECUTION UNIT.

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

9        (b) The Homeland Security Division shall cooperate with the  
10 border prosecution unit to carry out the duties of the Homeland  
11 Security Division and the unit.

12        (c) The border prosecution unit as needed may assign a  
13 prosecutor from the unit to the Homeland Security Division  
14 headquarters or any regional office of the Homeland Security  
15 Division.

16        Sec. 425.007. GIFTS, GRANTS, AND DONATIONS. The Homeland  
17 Security Division may accept gifts, grants, and donations from any  
18 source, including private and nonprofit organizations, for the  
19 purposes of implementing this chapter.

20        Sec. 425.008. FEDERAL, STATE, AND LOCAL COOPERATION. The  
21 Homeland Security Division shall coordinate with any federal or  
22 state agency or any local government as necessary to carry out the  
23 duties of the Homeland Security Division.

24        Sec. 425.009. NO LIMITATION ON HOMELAND SECURITY DIVISION  
25 AUTHORITY BY LOCAL GOVERNMENTS. A local government may not by any  
26 means limit the jurisdiction or authority of the Homeland Security  
27 Division.

1           SUBCHAPTER B. CONSOLIDATION OF BORDER OPERATIONS

2           Sec. 425.051. CONSOLIDATION OF STATE AGENCY BORDER  
3 OPERATIONS. (a) The secretary shall identify resources the  
4 Homeland Security Division needs to conduct border protection  
5 operations, including personnel, equipment, and facilities owned  
6 or controlled by state agencies that conduct border protection  
7 operations under Operation Lone Star. The secretary may identify  
8 any resources dedicated to border security that are owned or  
9 controlled by:

- 10                   (1) the office of the attorney general;  
11                   (2) the Department of Public Safety;  
12                   (3) the Texas Military Department;  
13                   (4) the Parks and Wildlife Department;  
14                   (5) the Texas Alcoholic Beverage Commission;  
15                   (6) the Texas Department of Criminal Justice;  
16                   (7) the Texas Commission on Jail Standards;  
17                   (8) the Texas Commission on Law Enforcement;  
18                   (9) the Office of Court Administration of the Texas  
19 Judicial System;  
20                   (10) the Department of State Health Services;  
21                   (11) the Texas Department of Motor Vehicles;  
22                   (12) the Texas Division of Emergency Management;  
23                   (13) the State Soil and Water Conservation Board; and  
24                   (14) any other state agency designated by the  
25 governor.

26           (b) Each state agency that owns or controls resources  
27 identified under Subsection (a) shall dedicate those resources to

1 the Homeland Security Division and its duties.

2 Sec. 425.052. REIMBURSEMENT FOR STATE USE OF LOCAL  
3 GOVERNMENT RESOURCES. (a) The secretary shall identify resources  
4 the Homeland Security Division needs to conduct border protection  
5 operations, including personnel, equipment, and facilities owned  
6 or controlled by local governments that conduct border protection  
7 operations along the Texas-Mexico border.

8 (b) A local government that owns or controls resources  
9 identified under Subsection (a) may by written agreement with the  
10 Homeland Security Division dedicate those resources to the Homeland  
11 Security Division and its duties.

12 (c) A local government that dedicates resources to the  
13 Homeland Security Division under this section is entitled to  
14 reimbursement for the use of those resources as provided by the  
15 written agreement under Subsection (b) and the General  
16 Appropriations Act.

17 Sec. 425.053. EMPLOYMENT OF DEDICATED PERSONNEL;  
18 COOPERATIVE WORK. (a) A person who is dedicated to the Homeland  
19 Security Division under Section 425.051 or 425.052 remains an  
20 employee of the assigning state agency or local government but the  
21 person may be assigned duties by the secretary.

22 (b) A person who is dedicated to the Homeland Security  
23 Division shall work cooperatively with employees of the Homeland  
24 Security Division and other persons dedicated to the Homeland  
25 Security Division under the guidance of the secretary to achieve  
26 efficiency in efforts by state agencies and local governments to  
27 enforce the law in the border region.

1       Sec. 425.054. AUTHORITY OF DEDICATED PERSONNEL. (a) A  
2 person dedicated to the Homeland Security Division and its duties  
3 under Section 425.051 or 425.052 retains the authority of the  
4 office held by the person with the dedicating state agency or local  
5 government and may exercise any powers granted to the Homeland  
6 Security Division under this chapter with the approval of the  
7 secretary.

8       (b) The secretary, with the approval of the governor, may  
9 assign the person additional duties consistent with the duties of  
10 the Homeland Security Division under this chapter.

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

16       Sec. 425.055. USE OF DEDICATED PROPERTY. Any property,  
17 including equipment or facilities, dedicated to the Homeland  
18 Security Division and its duties under Section 425.051 or 425.052  
19 may be used for the purposes of the dedicating state agency or local  
20 government or the purposes of the Homeland Security Division.

21                   SUBCHAPTER C. POWERS AND DUTIES

22       Sec. 425.101. GENERAL POWERS AND DUTIES OF HOMELAND  
23 SECURITY DIVISION AND SECRETARY OF HOMELAND SECURITY. (a) The  
24 secretary shall:

25               (1) be directly responsible to the governor for all  
26 conduct of the Homeland Security Division;

27               (2) act as the chief administrative officer of the

1 Homeland Security Division;

2 (3) act with the Border Security Advisory Council in  
3 an advisory capacity, without vote;

4 (4) formulate plans and policies for the protection of  
5 the citizens of this state in the Texas-Mexico border region,  
6 including the air, maritime, and land borders of this state;

7 (5) organize the Homeland Security Division and  
8 supervise its operation;

9 (6) maintain records of all Homeland Security Division  
10 proceedings and official orders;

11 (7) adopt rules and policies, subject to the  
12 governor's approval, considered necessary for the control and  
13 general administration of the Homeland Security Division,  
14 including rules governing the procurement of facilities and  
15 equipment for the Homeland Security Division and the training and  
16 working conditions for Homeland Security Division personnel;

17 (8) issue commissions as peace officers, under the  
18 governor's direction, to members of the Homeland Security Division;

19 (9) create as necessary, with the advice and consent  
20 of the governor, operational or administrative divisions within the  
21 Homeland Security Division and appoint heads of those divisions;

22 (10) employ as necessary commissioned officers and  
23 other employees to perform Homeland Security Division operations  
24 and functions;

25 (11) quarterly, annually, biennially, and any other  
26 time on the governor's request submit to the governor and the Border  
27 Security Advisory Council detailed reports of the operation of the

1 Homeland Security Division, including statements of its  
2 expenditures; and

3 (12) prepare, swear to, submit to the governor, and  
4 file in the Homeland Security Division's records a quarterly  
5 statement containing an itemized list of all money received and its  
6 source and all money spent and the purposes for which it was spent.

7 (b) The secretary or secretary's designee shall provide to  
8 the governor and to employees of the Homeland Security Division, as  
9 often as necessary, information regarding the requirements for  
10 office or employment under this chapter, including information  
11 regarding a person's responsibilities under applicable law  
12 relating to standards of conduct for state officers or employees.

13 Sec. 425.102. BORDER OPERATIONS. The Homeland Security  
14 Division may conduct border security operations along the  
15 Texas-Mexico border, including:

16 (1) law enforcement operations;

17 (2) intelligence gathering, analysis, and  
18 dissemination;

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

23 (4) coordination and command of state agencies in  
24 border security operations led by the Homeland Security Division;

25 (5) coordination of local, state, and federal agencies  
26 conducting border security operations, including tactical  
27 operations such as special response teams, brush teams, and special

1 weapons and tactics teams;

2 (6) training and education programs for the  
3 professional development of employees and agency partners carrying  
4 out border security operations; and

5 (7) assisting local law enforcement with the  
6 investigation of crime.

7 Sec. 425.103. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS.

8 The secretary may order commissioned officers under the secretary's  
9 authority to take, and the commissioned officers may take, the  
10 following actions to the extent consistent with the United States  
11 and Texas Constitutions:

12 (1) deter and repel persons attempting to enter this  
13 state unlawfully at locations other than ports of entry;

14 (2) return aliens to Mexico who:

15 (A) have been observed actually crossing the  
16 Texas-Mexico border unlawfully; and

17 (B) were apprehended, detained, or arrested in  
18 the vicinity of the Texas-Mexico border; and

19 (3) enhance the examination of aircraft, ships,  
20 vehicles, railcars, and cargo at or near ports of entry for the  
21 purposes of interdicting fentanyl and other dangerous drugs and  
22 interdicting human smuggling.

23 Sec. 425.104. PURCHASE AND DEPLOYMENT AND MAINTENANCE OF

24 CERTAIN TECHNOLOGY AND EQUIPMENT. (a) The Homeland Security  
25 Division, at the request of the governor, shall purchase, deploy  
26 and maintain technology and equipment to enhance the Homeland  
27 Security Division's ability to detect and suppress criminal

1 activity along the Texas-Mexico border, including:

2 (1) temporary border security infrastructure,  
3 including temporary barriers, buoys, fences, wires, roads,  
4 trenches, surveillance technology, or other improvements, designed  
5 or adapted to surveil or impede the movement of persons or objects  
6 across the Texas-Mexico border at locations other than ports of  
7 entry;

8 (2) surveillance and detection technology to be  
9 deployed at and near each port of entry along the Texas-Mexico  
10 border to detect and deter the improper entry of individuals from  
11 foreign nations and the smuggling of individuals and controlled  
12 substances, such as fentanyl, cocaine, heroin, and  
13 methamphetamine; and

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

16 (c) The Homeland Security Division shall staff a sufficient  
17 number of commercial vehicle inspectors to inspect vehicles using  
18 technology described by Subsection (a)(2) without impeding the  
19 efficient flow of trade.

20 Sec. 425.105. OPERATIONAL PLAN TO COORDINATE BORDER  
21 PROTECTION. (a) The secretary or the secretary's designee shall  
22 develop and recommend to the governor, the legislature, and the  
23 Border Security Advisory Council a strategic plan that establishes  
24 the framework for the budgeting and operations of the Homeland  
25 Security Division, including homeland security strategies, to be  
26 administered by the Homeland Security Division and state agencies  
27 that provide assistance to the Homeland Security Division.

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

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

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

7       (c) The secretary shall annually report to the governor, the  
8 legislature, and the Border Security Advisory Council on the  
9 implementation of the strategic plan.

10       Sec. 425.106. ADVISORY COUNCIL ON BORDER PROTECTION  
11 TECHNOLOGY AND EQUIPMENT.

12       (a) The secretary shall convene an advisory council on  
13 border protection technology and equipment.

14       (b) The secretary shall determine the makeup of the advisory  
15 council on border protection technology and equipment, considering  
16 domestic and international subject matter experts.

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

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

24               (1) goals and performance measures that involve  
25 collaboration and interoperability of state agencies and local  
26 governments;

27               (2) an evaluation of 8 U.S.C. Section 1325(a) and

1 other federal laws relating to the requirement that the admission  
2 of aliens into the United States occur only at ports of entry; and

3 (3) an evaluation of the relationship between the  
4 financial efficiency and operation effectiveness of various types  
5 of border protection technology and equipment.

6 (c) The advisory council on border protection technology  
7 and equipment shall twice a year report to the governor, the  
8 secretary, and the legislature, on the recommendations of the  
9 strategic plan.

10 (d) The Homeland Security Division shall hold an annual  
11 technology fair at which vendors of emerging border protection  
12 technology and equipment demonstrate the capabilities of the  
13 products.

14 (e) The inaugural event required by Subsection (d) of this  
15 section must be held not later than September 1, 2024.

16 Sec. 425.107. TECHNOLOGY POLICY; REVIEW. (a) The office  
17 shall implement a policy requiring the Homeland Security Division  
18 to use appropriate technological solutions to improve the Homeland  
19 Security Division's ability to perform its functions. The policy  
20 must ensure that the Homeland Security Division's capability to  
21 conduct border security operations and similar functions is not  
22 impeded by the use of obsolete or outdated technologies.

23 (b) The office shall periodically review emerging  
24 technologies that may be deployed for border security operations,  
25 including technologies and equipment described by Section  
26 425.104(a)(2), to ensure the Homeland Security Division  
27 consistently adopts innovative technologies and solutions for

1 those operations.

2 SUBCHAPTER D. HIRING, STAFFING, AND TRAINING; AUTHORITY OF OFFICERS  
3 AND OTHER EMPLOYEES

4 Sec. 425.201. REGIONAL COMMANDERS. The secretary, with the  
5 approval of the governor, may appoint regional commanders to  
6 oversee the regional offices authorized by Section 425.005.

7 Sec. 425.202. OFFICERS AND OTHER EMPLOYEES. (a) The  
8 secretary may commission, with the approval of the governor,  
9 officers of the Homeland Security Division as peace officers.

10 (b) The secretary may hire any employees as necessary to  
11 carry out the duties of the Homeland Security Division, including  
12 noncommissioned officers.

13 (c) Officers of the Homeland Security Division are entitled  
14 to compensation as provided by the legislature and must be  
15 recruited and trained within the border region to the extent  
16 practicable.

17 (d) Subject to the provisions of this chapter, the secretary  
18 may appoint, promote, reduce, suspend, or discharge any officer or  
19 employee of the Homeland Security Division.

20 Sec. 425.203. HIRING OFFICERS WITH PREVIOUS BORDER PATROL,  
21 TEXAS DEPARTMENT OF PUBLIC SAFETY, OR MILITARY EXPERIENCE.  
22 Notwithstanding any other provision of law, the Homeland Security  
23 Division may, at the time an officer is hired for the Homeland  
24 Security Division, elect to credit up to four years of experience as  
25 a Border Patrol Agent of the United States Customs and Border  
26 Protection or as an Officer of the Texas Department of Public  
27 Safety, or a member of the armed forces of the United States for the

1 purpose of calculating the officer's salary under Schedule C. All  
2 officers are subject to a one-year probationary period under  
3 Section 411.007(g) notwithstanding the officer's rank or salary  
4 classification.

5 Sec. 425.204. QUALIFICATIONS. (a) To be a commissioned  
6 officer of the Homeland Security Division, a person must hold a  
7 peace officer license issued under Chapter 1701, Occupations Code,  
8 and meet any other qualifications set by the secretary.

9 (b) To be a noncommissioned officer of the Homeland Security  
10 Division, a person must meet the qualifications set by the  
11 secretary by rule.

12 (c) The secretary may provide by rule for the qualifications  
13 of any other employees of the Homeland Security Division.

14 (d) The secretary may not employ an officer or other  
15 employee if the officer or other employee:

16 (1) has been convicted of a violent offense; or

17 (2) has been dishonorably discharged from the armed  
18 forces of the United States or the Texas military forces as shown by  
19 the service member's release or discharge documentation.

20 (e) For purposes of Subsection (d):

21 (1) "Texas military forces" has the meaning assigned  
22 by Section 437.001.

23 (2) "Violent offense" means an offense under the law  
24 of any state that has as an element the use, attempted use, or  
25 threatened use of physical force against any person.

26 (f) The Homeland Security Division is an equal employment  
27 opportunity employer and may not discriminate against or give

1 preferential treatment to any employee or job applicant on account  
2 of the individual's race, color, sex, national origin, or religion.

3 Sec. 425.205. TRAINING. (a) The Homeland Security  
4 Division shall acquire equipment and facilities and conduct  
5 training necessary to carry out the operational, intelligence,  
6 communication, logistics, and administrative duties of the  
7 Homeland Security Division provided by this chapter or the  
8 secretary. The Homeland Security Division shall conduct the  
9 training in the border region.

10 (b) The Homeland Security Division shall expand programs  
11 for training officers to serve as members of a brush team.

12 Sec. 425.206. AUTHORITY OF OFFICERS. (a) A commissioned  
13 officer of the Homeland Security Division is governed by the law  
14 regulating and defining the powers and duties of sheriffs  
15 performing similar duties, except that the officer may make arrests  
16 and execute processes in a criminal case in any county in the state.

17 (b) A commissioned officer of the Homeland Security  
18 Division may, to the extent consistent with the United States and  
19 Texas Constitutions, arrest, apprehend, or detain persons crossing  
20 the Texas-Mexico border unlawfully, and deter persons attempting to  
21 cross the border unlawfully, up to the use of non-deadly crowd  
22 control measures.

23 Sec. 425.207. USE OF PERSONAL VEHICLE PROHIBITED.  
24 Notwithstanding any other provision of this chapter, an officer or  
25 other employee of the Homeland Security Division may not use the  
26 officer's or employee's personal vehicle to conduct a traffic stop  
27 for any purpose related to the officer's or employee's duties.

1 SUBCHAPTER E. OFFICE OF AUDIT AND REVIEW; OFFICE OF INSPECTOR

2 GENERAL

3 Sec. 425.251. OFFICE OF AUDIT AND REVIEW FOR HOMELAND  
4 SECURITY DIVISION. (a) The governor shall establish the office of  
5 audit and review within the Homeland Security Division and appoint  
6 a director to perform the duties under this section. The director of  
7 the office of audit and review of the Homeland Security Division  
8 shall serve until removed by the governor.

9 (b) The director of the office of audit and review must  
10 satisfy the requirements to be the Homeland Security Division's  
11 internal auditor under Section 2102.006(b) and is considered to be  
12 the Homeland Security Division's internal auditor for purposes of  
13 Chapter 2102.

14 (c) The office of audit and review shall coordinate  
15 activities designed to promote effectiveness in the Homeland  
16 Security Division's operations and to keep the governor and the  
17 legislature fully informed about deficiencies within the Homeland  
18 Security Division. The office of audit and review shall:

19 (1) inspect and audit Homeland Security Division  
20 programs and operations for efficiency, uniformity, and compliance  
21 with established procedures and develop recommendations for  
22 improvement;

23 (2) coordinate and be responsible for promoting  
24 accountability, integrity, and efficiency in the Homeland Security  
25 Division; and

26 (3) provide the governor with information relevant to  
27 its oversight of the Homeland Security Division.

1       (d) The Homeland Security Division shall provide the  
2 director of the office of audit and review with access to any  
3 records, data, or other information necessary to fulfill the  
4 purposes of this section.

5       (e) The director of the office of audit and review shall,  
6 with the advice and consent of the governor, determine which audits  
7 and inspections to perform and may publish the findings and  
8 recommendations of the office of audit and review.

9       (f) The director of the office of audit and review shall:

10           (1) report to the governor regarding audits and  
11 inspections planned and the status and findings of those audits and  
12 inspections; and

13           (2) report to the secretary for administrative  
14 purposes and keep the secretary informed of any findings of the  
15 office of audit and review.

16       (g) The office of audit and review shall:

17           (1) independently and objectively inspect the  
18 Homeland Security Division to:

19                   (A) ensure that operations are conducted  
20 efficiently, uniformly, and in compliance with established  
21 procedures; and

22                   (B) make recommendations for improvements in  
23 operational performance;

24           (2) independently and objectively audit the Homeland  
25 Security Division to:

26                   (A) promote economy, effectiveness, and  
27 efficiency within the Homeland Security Division;

1           (B) prevent and detect fraud, waste, and abuse in  
2 Homeland Security Division programs and operations; and

3           (C) make recommendations about the adequacy and  
4 effectiveness of the Homeland Security Division's system of  
5 internal control policies and procedures;

6           (3) advise in the development and evaluation of the  
7 Homeland Security Division's performance measures;

8           (4) review actions taken by the Homeland Security  
9 Division to improve program performance and make recommendations  
10 for improvement;

11           (5) review and make recommendations to the governor  
12 and the legislature regarding rules, laws, and guidelines relating  
13 to Homeland Security Division programs and operations;

14           (6) keep the governor, secretary, and legislature  
15 fully informed of problems in Homeland Security Division programs  
16 and operations; and

17           (7) ensure effective coordination and cooperation  
18 among the state auditor's office, legislative oversight  
19 committees, and other governmental bodies while attempting to avoid  
20 duplication.

21           (h) Chapter 2102 applies to the office of audit and review.

22           Sec. 425.252. INSPECTOR GENERAL FOR HOMELAND SECURITY  
23 DIVISION. (a) The governor shall establish the office of the  
24 inspector general within the Homeland Security Division and appoint  
25 the inspector general of the Homeland Security Division. The  
26 inspector general of the Homeland Security Division shall serve  
27 until removed by the governor.

1       (b) The inspector general of the Homeland Security Division  
2 is responsible for:

3           (1) preparing and delivering assessments concerning  
4 the administration of the Homeland Security Division to the  
5 governor, the legislature, and the secretary;

6           (2) acting to prevent and detect serious breaches of  
7 Homeland Security Division policy, fraud, and abuse of office,  
8 including any acts of criminal conduct within the Homeland Security  
9 Division; and

10          (3) independently and objectively reviewing,  
11 investigating, delegating, and overseeing the investigation of:

12                   (A) conduct described by Subdivision (2);

13                   (B) criminal activity occurring within the  
14 Homeland Security Division;

15                   (C) allegations of wrongdoing by Homeland  
16 Security Division employees;

17                   (D) crimes committed on Homeland Security  
18 Division property; and

19                   (E) serious breaches of Homeland Security  
20 Division policy.

21       (c) The inspector general of the Homeland Security Division  
22 shall report directly to the governor regarding performance of and  
23 activities related to investigations and provide the secretary with  
24 information regarding investigations as appropriate.

25       (d) The inspector general of the Homeland Security Division  
26 shall regularly present to the governor:

27           (1) reports of investigations; and

1           (2) a summary of information relating to  
2 investigations conducted under this section that includes analysis  
3 of the number, type, and outcome of investigations, trends in the  
4 investigations, and recommendations to avoid future complaints.

5           SECTION 1.03. Chapter 820, Government Code, is amended by  
6 adding Subchapter A-1 to read as follows:

7           SUBCHAPTER A-1. CERTAIN MILITARY SERVICE CREDIT

8           Sec. 820.021. CERTAIN MILITARY SERVICE CREDIT WITHOUT  
9 PURCHASE. (a) A cash balance group member hired by the office of  
10 the governor for the Texas Homeland Security Division under Chapter  
11 425 who served active federal duty in the armed forces of the United  
12 States and obtains a peace officer license issued under Chapter  
13 1701, Occupations Code, while employed with the Homeland Security  
14 Division may establish military service credit not to exceed six  
15 months in the retirement system for the purposes described by  
16 Subsection (c) by submitting a request to the system in a form and  
17 manner prescribed by the system.

18           (b) The retirement system shall grant the military service  
19 credit of a member who submits a request as provided by Subsection  
20 (a) after the system verifies that the member is a cash balance  
21 group member and served the military service required by that  
22 subsection.

23           (c) Military service credit established under this section  
24 may be used only to determine whether the cash balance group member  
25 is eligible to retire and receive a cash balance annuity under this  
26 chapter. The service credit does not affect eligibility for any  
27 other purpose, including for purposes of determining eligibility to

1 participate in the group benefits program established under Chapter  
2 1551, Insurance Code.

3 SECTION 1.04. Subchapter C, Chapter 2155, Government Code,  
4 is amended by adding Section 2155.151 to read as follows:

5 Sec. 2155.151. CERTAIN PURCHASES BY OFFICE OF THE GOVERNOR.

6 (a) The office of the governor is delegated all purchasing  
7 functions relating to the purchase of technologies and equipment  
8 for use by the Texas Homeland Security Division in border security  
9 operations, including technology and equipment described by  
10 Section 425.104, to ensure the Homeland Security Division  
11 consistently adopts innovative technologies and solutions for  
12 those operations.

13 (b) The office of the governor shall acquire goods and  
14 services under Subsection (a) by any procurement method that  
15 provides the best value to the office. The office of the governor  
16 shall consider the best value standards listed in Section 2155.074.

17 (c) At the request of the office of the governor, the  
18 comptroller or the Department of Information Resources, as  
19 appropriate, shall procure goods and services described by  
20 Subsection (a) for the office. The office of the governor may use  
21 the services of the comptroller or the Department of Information  
22 Resources in procuring goods and services described by Subsection  
23 (a).

24 ARTICLE 2. BORDER PROTECTION PROPERTY DAMAGE PROGRAM

25 SECTION 2.01. The heading to Chapter 56C, Code of Criminal  
26 Procedure, is amended to read as follows:

1 CHAPTER 56C. BORDER CRIME [~~LANDOWNER COMPENSATION FOR~~] PROPERTY  
2 DAMAGE COMPENSATION PROGRAM [~~CAUSED BY CERTAIN CRIMINAL~~  
3 ~~ACTIVITIES~~]

4 SECTION 2.02. Article 56C.001, Code of Criminal Procedure,  
5 is amended by amending Subdivision (2) and adding Subdivision (2-a)  
6 to read as follows:

7 (2) "Border crime" means conduct:

8 (A) constituting an offense under:

9 (i) Subchapter D, Chapter 481, Health and  
10 Safety Code;

11 (ii) Section 20.05, 20.06, or 38.04, Penal  
12 Code; or

13 (iii) Chapter 20A, Penal Code; and

14 (B) involving transnational criminal activity.

15 (2-a) "Border region" has the meaning assigned by  
16 Section 772.0071, Government Code.

17 SECTION 2.03. The heading to Article 56C.003, Code of  
18 Criminal Procedure, is amended to read as follows:

19 Art. 56C.003. BORDER CRIME PROPERTY DAMAGE [~~LANDOWNER~~]  
20 COMPENSATION PROGRAM.

21 SECTION 2.04. Article 56C.003, Code of Criminal Procedure,  
22 is amended by amending Subsections (a), (c), and (d) and adding  
23 Subsection (a-1) to read as follows:

24 (a) From the funding sources described by Subsection (a-1)  
25 [~~money appropriated for the purpose~~], the attorney general shall  
26 establish and administer a program to compensate:

27 (1) landowners who suffer real property damage on

1 agricultural land caused by:

2 (A) [(1)] a trespasser as a result of an offense  
3 under Chapter 28, Penal Code, that was committed in the course of or  
4 in furtherance of a border crime; or

5 (B) [(2)] a law enforcement response to a  
6 trespasser who was engaged in a border crime; and

7 (2) persons residing in the border region who suffer  
8 real or personal property damage caused by a person described by  
9 Subdivision (1)(A) or (B).

10 (a-1) The attorney general may use money from the following  
11 sources to establish the program described by Subsection (a):

12 (1) money appropriated, credited, or transferred by  
13 the legislature for purposes of the program;

14 (2) revenue that the legislature by statute dedicates  
15 for deposit to the credit of the program;

16 (3) investment earnings and interest earned on money  
17 held for purposes of administering the program;

18 (4) gifts, grants, and donations received by the state  
19 for purposes of the program; and

20 (5) proceeds received under Article 59.06(v).

21 (c) The attorney general may not award compensation under  
22 this article for ~~real~~ property damage caused by a trespasser  
23 ~~[described by Subsection (a)(1)]~~ unless the damage is documented in  
24 a written report by a law enforcement agency as having occurred in  
25 connection with a border crime.

26 (d) In awarding compensation under this article for ~~real~~  
27 property damage caused by a trespasser ~~[described by Subsection~~

1 ~~(a)(1)]~~, the attorney general may not consider the outcome of any  
2 criminal prosecution arising out of the offense under Chapter 28,  
3 Penal Code, as a result of which the applicant suffered property  
4 damage or the applicable offense listed in Article 56C.001(2)(A).

5 SECTION 2.05. Article 56C.006(a), Code of Criminal  
6 Procedure, is amended to read as follows:

7 (a) The program established under Article 56C.003 is a payer  
8 of last resort for ~~real~~ property damage described by that  
9 article.

10 SECTION 2.06. Article 59.06(t)(1), Code of Criminal  
11 Procedure, is amended to read as follows:

12 (t)(1) This subsection applies only to contraband for which  
13 forfeiture is authorized with respect to an offense under Section  
14 ~~[20.05, 20.06]~~ 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

15 SECTION 2.07. Article 59.06, Code of Criminal Procedure, is  
16 amended by adding Subsection (v) to read as follows:

17 (v) Notwithstanding any other provision of this article,  
18 with respect to forfeited property seized in connection with an  
19 offense under Section 20.05 or 20.06, Penal Code, in a proceeding  
20 under Article 59.05 in which judgment is rendered in favor of the  
21 state, the attorney representing the state shall transfer the  
22 proceeds from the sale of the forfeited property under Subsection  
23 (a) to the comptroller for deposit to the credit of the border crime  
24 property damage compensation program established under Chapter  
25 56C.

26 SECTION 2.08. Article 56C.007, Code of Criminal Procedure,  
27 is repealed.

ARTICLE 3. BORDER SECURITY ADVISORY COUNCIL

SECTION 3.01. 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 chair of the standing substantive committee of the senate with primary jurisdiction over border security;

(2) the chair of the standing substantive committee of the house of representatives with primary jurisdiction over border security and public safety;

(3) four senators appointed by the lieutenant governor who collectively meet the following requirements:

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

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

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

(A) two representatives must represent house districts located in the border region; and

1           (B) one representative must be the chair of the  
2 house standing committee with primary jurisdiction over border  
3 security and public safety issues;

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

6                   (A) Department of Public Safety;

7                   (B) Texas Military Department;

8                   (C) Texas Division of Emergency Management;

9                   (D) Parks and Wildlife Department;

10                  (E) Texas Department of Criminal Justice;

11                  (F) Office of Court Administration of the Texas  
12 Judicial System; and

13                   (G) Texas Alcoholic Beverage Commission;

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

16           (7) the following nonvoting members appointed by the  
17 governor or the governor's designee:

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

20                   (B) one sheriff of a county located in the border  
21 region;

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

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

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

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

3           (c) The committee chairs described by Subsections (b)(1)  
4 and (2) are joint chairs of the council.

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

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

12           (f) As an exception to Chapter 551 and other law, for a  
13 meeting at which both joint chairs of the council are physically  
14 present, any number of the other council members may attend the  
15 meeting by use of telephone conference call, video conference call,  
16 or other similar technology. This subsection applies for purposes  
17 of establishing a quorum or voting or for any other purpose allowing  
18 the members to fully participate in any council meeting. This  
19 subsection applies without regard to the subject or topics  
20 considered by the members at the meeting.

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

23                   (1) is subject to the notice requirements applicable  
24 to other meetings;

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

27                   (3) must be open to the public and audible to the

1 public at the location specified in the notice under Subdivision  
2 (2); and

3 (4) must provide two-way audio communication between  
4 all council members attending the meeting during the entire  
5 meeting, and if the two-way audio communication link with any  
6 member attending the meeting is disrupted at any time, the meeting  
7 may not continue until the two-way audio communication link is  
8 reestablished.

9 (h) In addition to the duties under Section 421.045, the  
10 council shall:

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

14 (A) an assessment of:

15 (i) the efficiency and cost-effectiveness  
16 of the use of state and local funds in ensuring border safety;

17 (ii) any duplication, overlap, and conflict  
18 between state-run border security programs; and

19 (iii) the effectiveness of communication  
20 and coordination among state, local, and federal agencies  
21 responsible for or engaged in border security;

22 (B) an identification of critical border safety  
23 problems; and

24 (C) a determination of the state's long-range  
25 border safety needs;

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

1           (3) develop solutions to overcome the challenges and  
2 threats described by Subdivision (2);

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

6           (5) recommend to the legislature and the governor:

7                   (A) strategies to solve the problems  
8 identified under Subdivision (1)(B);

9                   (B) policy priorities to address the  
10 long-range needs determined under Subdivision (1)(C); and

11                   (C) measures based on objective research  
12 and analysis to help guide state border safety policies;

13           (6) advise the legislature and the governor regarding:

14                   (A) coordinating the goals and  
15 responsibilities for border security efforts of local and state  
16 agencies with jurisdiction over border security;

17                   (B) developing procedures for streamlining  
18 decision-making of local and state agencies with jurisdiction over  
19 border security; and

20                   (C) improving transparency of border  
21 security operations; and

22           (7) advise and assist the legislature and the governor  
23 in developing plans, programs, and proposed legislation to improve  
24 the effectiveness of border safety initiatives and programs.

25           (i) The council may hire staff or may contract with  
26 universities or other suitable entities to assist the council in  
27 carrying out the council's duties. Funding to support the operation

1 of the council shall be provided from funds appropriated to the  
2 Texas Legislative Council.

3 (j) Not later than January 1 of each odd-numbered year, the  
4 council shall submit to the legislature and the governor a report  
5 that contains the recommendations described by Subsection (h)(5).

6 SECTION 3.02. Section 421.044, Government Code, is amended  
7 to read as follows:

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

12 (1) compensation from this state for service on the  
13 committee; or

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

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

20 ARTICLE 4. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES,  
21 EQUIPMENT, AND SERVICES IN THE BORDER REGION

22 SECTION 4.01. Chapter 421, Government Code, is amended by  
23 adding Subchapter G to read as follows:

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

25 Sec. 421.111. DEFINITIONS. In this subchapter:

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

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

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

4           Sec. 421.112. USE OF CERTAIN FUNDS. (a) From money  
5 appropriated for that purpose, the office, as authorized by Chapter  
6 418, including Subchapter D of that chapter, shall make funds  
7 available to state agencies and local governments for the following  
8 purposes:

9           (1) the construction and maintenance of facilities  
10 related to prosecuting and adjudicating offenses committed in the  
11 border region, including court facilities, processing facilities,  
12 detention facilities for persons who are 10 years of age or older,  
13 regardless of gender, criminal justice centers, and other similar  
14 facilities;

15           (2) the payment of staff salaries and benefits and the  
16 payment of operational expenses related to providing law  
17 enforcement services;

18           (3) the purchase or maintenance of equipment related  
19 to providing public health and safety services in the border  
20 region, including law enforcement services, communication  
21 services, and emergency services, to enhance the safety and  
22 security of the citizens of this state;

23           (4) the construction and maintenance of temporary  
24 border security infrastructure, including temporary barriers,  
25 buoys, fences, wires, roads, trenches, surveillance technology, or  
26 other improvements, designed or adapted to surveil or impede the  
27 movement of persons or objects across the Texas-Mexico border at

1 locations other than ports of entry;

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

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

11 (7) the construction or improvement of roadways and  
12 similar transportation facilities in the border region that provide  
13 for detailed monitoring of commercial motor vehicles traveling  
14 along the roadways and facilities in any direction within 30 miles  
15 of a port of entry.

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

19 (1) seek and apply for any available federal funds;  
20 and

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

23 Sec. 421.114. RULES. The office may adopt rules for the  
24 administration of this subchapter.

25 Sec. 421.115. REPORTING REQUIREMENTS. (a) The recipient of  
26 funds for a purpose described by Section 421.112 shall submit to the  
27 office reports on an interval prescribed by the office regarding

1 the use of the funds and any other issue related to the funds as  
2 determined by the office.

3 (b) Funds received by a state agency for a purpose described  
4 by Section 421.112 are considered border security funding for  
5 purposes of reporting requirements in the General Appropriations  
6 Act.

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

12 SECTION 4.02. As soon as practicable after the effective  
13 date of this article, the office of the governor shall adopt rules  
14 as necessary to implement Subchapter G, Chapter 421, Government  
15 Code, as added by this article.

16 ARTICLE 5. BORDER PROTECTION AGREEMENTS

17 SECTION 5.01. (a) The legislature, acting with the  
18 governor, has the solemn duty to protect and defend the citizens of  
19 this state and maintain sovereignty over this state's borders.

20 (b) An individual entering this state from a foreign country  
21 shall enter through a legal port of entry.

22 SECTION 5.02. Title 7, Government Code, is amended by  
23 adding Chapter 795 to read as follows:

24 CHAPTER 795. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN  
25 STATES

26 Sec. 795.001. AUTHORITY FOR AGREEMENTS AND ENGAGEMENT WITH  
27 AUTHORITIES OF UNITED MEXICAN STATES. (a) On behalf of this state,

1 the governor shall coordinate, develop, and execute agreements with  
2 the United Mexican States and the states of the United Mexican  
3 States regarding the authority of this state to protect and defend  
4 its citizens.

5 (b) The governor may appoint a group of individuals  
6 responsible for meeting in person with the appropriate local,  
7 state, and federal authorities of the United Mexican States to  
8 coordinate, develop, and execute agreements under Subsection (a).  
9 The group appointed under this subsection may operate within the  
10 United Mexican States as practicable.

11 ARTICLE 6. SEVERABILITY; EFFECTIVE DATE

12 SECTION 6.01. It is the intent of the legislature that every  
13 provision, section, subsection, sentence, clause, phrase, or word  
14 in this Act, and every application of the provisions in this Act to  
15 every person, group of persons, or circumstances, is severable from  
16 each other. If any application of any provision in this Act to any  
17 person, group of persons, or circumstances is found by a court to be  
18 invalid for any reason, the remaining applications of that  
19 provision to all other persons and circumstances shall be severed  
20 and may not be affected.

21 SECTION 6.02. This Act takes effect immediately if it  
22 receives a vote of two-thirds of all the members elected to each  
23 house, as provided by Section 39, Article III, Texas Constitution.  
24 If this Act does not receive the vote necessary for immediate  
25 effect, this Act takes effect on the 91st day after the last day of  
26 the legislative session.