By:  Guillen H.B. No. 13

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 the Texas Homeland Security Division and the Border Security Advisory Council, and to compensate persons affected by those threats.

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

ARTICLE 1. LEGISLATIVE FINDING

SECTION 1.01.  (a) The legislature, acting with the governor, has the solemn duty to protect and defend the citizens of this state and maintain sovereignty over this state's borders.

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

(c)  The failure of the federal government to ensure that individuals entering this state from a foreign country do so through a legal port of entry requires action to be taken by the governor and the legislature of this state.

ARTICLE 2. TEXAS HOMELAND SECURITY DIVISION

SECTION 2.01.  Article 2.12, Code of Criminal Procedure, as amended by Chapters 624 (H.B. 4372), 870 (H.B. 3981), 950 (S.B. 1727), and 984 (S.B. 2612), Acts of the 88th Legislature, Regular Session, 2023, is reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

(8)  officers commissioned under Section 37.081 or 37.0818, Education Code, or Subchapter E, Chapter 51, Education Code;

(9)  officers commissioned by the General Services Commission;

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

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

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

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

(14)  officers commissioned by a water control and improvement district under Section 49.216, Water Code;

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

(16)  investigators commissioned by the Texas Medical Board;

(17)  officers commissioned by:

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

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

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

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

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

(19)  investigators employed by the Texas Racing Commission;

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

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

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

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

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

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

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

(27)  officers appointed by the inspector general of the Texas Juvenile Justice Department under Section 242.102, Human Resources Code;

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

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

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

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

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

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

(34) [~~(35)~~]  fire marshals and any related officers, inspectors, or investigators of a municipality who hold a permanent peace officer license issued under Chapter 1701, Occupations Code; [~~and~~]

(35)  Alamo complex rangers commissioned by the General Land Office under Section 31.0515, Natural Resources Code, subject to the limitations imposed by that section; and

(36)  officers of the Texas homeland security division commissioned by the secretary of homeland security under Section 426.202, Government Code.

SECTION 2.02.  Subtitle B, Title 4, Government Code, is amended by adding Chapter 426 to read as follows:

CHAPTER 426. TEXAS HOMELAND SECURITY DIVISION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 426.001.  DEFINITIONS. In this chapter:

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

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

(3)  "Division" means the Texas homeland security division established under this chapter.

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

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

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

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

(8)  "Secretary" means the secretary of homeland security appointed under this chapter.

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

Sec. 426.002.  TEXAS HOMELAND SECURITY DIVISION ESTABLISHED. The office shall establish the Texas homeland security division as a division within the office to provide cross-functional expertise to border protection operations and improve efficiency and effectiveness of the border protection operations of the state agencies and political subdivisions of this state.

Sec. 426.003.  SECRETARY OF HOMELAND SECURITY. (a) The governor shall appoint a United States citizen to serve as the secretary of homeland security. The secretary is the executive head of the division and serves until the earlier of:

(1)  September 1, 2031; or

(2)  removal by the governor.

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

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

Sec. 426.004.  TERM OF AUTHORIZATION. (a) The division is subject to appropriations from the legislature and continues in existence until September 1, 2031, unless reauthorized by the legislature.

(b)  This chapter expires September 1, 2031.

Sec. 426.005.  HEADQUARTERS; REGIONAL OFFICES. The division must be headquartered in the border region. The division may establish regional offices along the Texas-Mexico border.

Sec. 426.006.  COOPERATION WITH BORDER PROSECUTION UNIT. (a) In this section, "border prosecution unit" means the border prosecution unit established under Section 772.052.

(b)  The division shall cooperate with the border prosecution unit to carry out the duties of the division and the unit.

(c)  The border prosecution unit as needed may assign a prosecutor from the unit to the division headquarters or any regional office of the division.

Sec. 426.007.  GIFTS, GRANTS, AND DONATIONS. The division may accept gifts, grants, and donations from any source, including private and nonprofit organizations, for the purpose of implementing this chapter.

Sec. 426.008.  FEDERAL, STATE, AND LOCAL COOPERATION. The division shall coordinate with any federal agency, any state agency, or any local government as necessary to carry out the duties of the division.

Sec. 426.009.  NO LIMITATION ON DIVISION AUTHORITY BY LOCAL GOVERNMENTS. A local government may not by any means limit the jurisdiction or authority of the division.

SUBCHAPTER B. CONSOLIDATION OF BORDER OPERATIONS

Sec. 426.051.  CONSOLIDATION OF STATE AGENCY BORDER OPERATIONS. (a) The secretary shall identify resources the division needs to conduct border protection operations, including personnel, equipment, and facilities owned or controlled by state agencies that conduct border protection operations under Operation Lone Star. The secretary may identify any resources dedicated to border security that are owned or controlled by:

(1)  the office of the attorney general;

(2)  the Department of Public Safety;

(3)  the Texas Military Department;

(4)  the Parks and Wildlife Department;

(5)  the Texas Alcoholic Beverage Commission;

(6)  the Texas Department of Criminal Justice;

(7)  the Texas Commission on Jail Standards;

(8)  the Texas Commission on Law Enforcement;

(9)  the Office of Court Administration of the Texas Judicial System;

(10)  the Department of State Health Services;

(11)  the Texas Department of Motor Vehicles;

(12)  the Texas Division of Emergency Management;

(13)  the State Soil and Water Conservation Board; and

(14)  any other state agency designated by the governor.

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

Sec. 426.052.  REIMBURSEMENT FOR STATE USE OF LOCAL GOVERNMENT RESOURCES. (a) The secretary shall identify resources the division needs to conduct border protection operations, including personnel, equipment, and facilities owned or controlled by local governments that conduct border protection operations along the Texas-Mexico border.

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

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

Sec. 426.053.  EMPLOYMENT OF DEDICATED PERSONNEL; COOPERATIVE WORK. (a) A person who is dedicated to the division under Section 426.051 or 426.052 remains an employee of the assigning state agency or local government but the person may be assigned duties by the secretary.

(b)  A person who is dedicated to the division shall work cooperatively with employees of the division and other persons dedicated to the division under the guidance of the secretary to achieve effectiveness in efforts by state agencies and local governments to enforce the law in the border region.

Sec. 426.054.  AUTHORITY OF DEDICATED PERSONNEL. (a) A person dedicated to the division and its duties under Section 426.051 or 426.052 retains the authority of the office held by the person with the dedicating state agency or local government and may exercise any powers granted to the division under this chapter with the approval of the secretary.

(b)  The secretary, with the approval of the governor, may assign the person additional duties consistent with the duties of the division under this chapter.

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

Sec. 426.055.  USE OF DEDICATED PROPERTY. Any property, including equipment or facilities, dedicated to the division and its duties under Section 426.051 or 426.052 may be used for the purposes of the dedicating state agency or local government or the purposes of the division.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 426.101.  GENERAL POWERS AND DUTIES OF DIVISION AND SECRETARY. (a) The secretary shall:

(1)  be directly responsible to the governor for all conduct of the division;

(2)  act as the chief administrative officer of the division;

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

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

(5)  organize the division and supervise its operation;

(6)  maintain records of all division proceedings and official orders;

(7)  adopt rules and policies, subject to the governor's approval, considered necessary for the control and general administration of the division, including rules governing the procurement of facilities and equipment for the division and the training and working conditions for division personnel;

(8)  issue commissions as peace officers, under the governor's direction, to members of the division;

(9)  create as necessary, with the advice and consent of the governor, operational or administrative entities within the division and appoint heads of those entities;

(10)  employ as necessary commissioned officers and other employees to perform division operations and functions;

(11)  quarterly, annually, biennially, and any other time on the governor's request submit to the governor and the Border Security Advisory Council detailed reports of the operation of the division, including statements of its expenditures; and

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

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

Sec. 426.102.  BORDER OPERATIONS. The division may conduct border security operations along the Texas-Mexico border, including:

(1)  law enforcement operations;

(2)  intelligence gathering, analysis, and dissemination;

(3)  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;

(4)  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;

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

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

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

Sec. 426.103.  LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS. The secretary may order commissioned officers under the secretary's authority to take, and the commissioned officers may take, the following actions to the extent consistent with the United States and Texas Constitutions:

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

(2)  remove illegal aliens from this state who:

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

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

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

Sec. 426.104.  PURCHASE, DEPLOYMENT, AND MAINTENANCE OF CERTAIN TECHNOLOGY AND EQUIPMENT. (a) The division, at the request of the governor, shall purchase, deploy, and maintain technology and equipment to enhance the division's ability to detect and suppress criminal activity along the Texas-Mexico border, including:

(1)  temporary border security infrastructure, including temporary barriers, buoys, fences, wires, roads, trenches, surveillance technology, real time multimedia interoperability technology, or other improvements, designed or adapted to detect, surveil, impede, or interdict the movement of persons or objects across the Texas-Mexico border at locations other than ports of entry;

(2)  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; and

(3)  facilities, equipment, and services to remove illegal immigrants from this state.

(b)  The Homeland Security Division shall staff a sufficient number of commercial vehicle inspectors to inspect vehicles using technology described by Subsections (a)(1) and (a)(2) without impeding the efficient flow of trade.

Sec. 426.105.  OPERATIONAL PLAN TO COORDINATE BORDER PROTECTION. (a) The secretary or the secretary's designee shall develop and recommend to the governor, the legislature, and the Border Security Advisory Council a strategic plan that establishes the framework for the budgeting and operations of the division, including homeland security strategies, to be administered by the division and state agencies that provide assistance to the division.

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

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

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

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

Sec. 426.106.  ADVISORY COUNCIL ON BORDER PROTECTION TECHNOLOGY AND EQUIPMENT; STRATEGIC PLAN. (a) In this section, "advisory council" means the advisory council on border protection technology and equipment established under Subsection (b).

(b)  The advisory council on border protection technology and equipment is established within the division.

(c)  The secretary shall determine the membership of the advisory council. In determining the membership of the council under this subsection, the secretary shall consider potential members with expertise in domestic and international strategies relating to border protection technology and equipment, including members from local, state, and federal law enforcement, research organizations, and private industry.

(d)  The advisory council shall develop and recommend to the governor, the legislature, and the Border Security Advisory Council a strategic plan that includes a framework for budgeting for and the procurement, implementation, and operation of border protection technology and equipment for state agencies and local governments and for other factors relating to border security.

(e)  The strategic plan under Subsection (d) must include:

(1)  goals and performance measures relating to border protection that promote collaboration and the interoperability of state agencies and local governments;

(2)  an evaluation of the relationship between financial efficiency and operative effectiveness for different types of border protection technology and equipment; and

(3)  an evaluation of 8 U.S.C. Section 1325(a) and any other applicable federal laws relating to the requirement that an alien may only be admitted to the United States at a port of entry.

(f)  At least twice each calendar year, the council shall update the strategic plan under Subsection (d) and report the governor, the legislature, and the Border Security Advisory Council on the recommendations of the strategic plan.

Sec. 426.107.  TECHNOLOGY POLICY; REVIEW. (a) The office shall implement a policy requiring the division to use appropriate technological solutions to improve the division's ability to perform its functions. The policy must ensure that the division's capability to conduct border security operations and similar functions is not impeded by the use of obsolete or outdated technologies.

(b)  The office shall periodically review, based on the recommendations of the advisory council on border protection technology and equipment, emerging technologies that may be deployed for border security operations, including technologies and equipment described by Section 426.104(a)(1), (a)(2), and (a)(3), to ensure the division consistently adopts innovative technologies and solutions for those operations.

(c)  The office shall hold an annual technology fair at which vendors of emerging technologies and equipment that may be used for border protection demonstrate the capabilities of the products.

(d)  The inaugural event required under Subsection (c) must be held no later than September 1, 2024.

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

Sec. 426.201.  REGIONAL COMMANDERS. The secretary, with the approval of the governor, may appoint regional commanders to oversee the regional offices authorized by Section 426.005.

Sec. 426.202.  OFFICERS AND OTHER EMPLOYEES. (a) The secretary may commission, with the approval of the governor, officers of the division as peace officers.

(b)  The secretary may hire any employees as necessary to carry out the duties of the division, including noncommissioned officers.

(c)  Officers of the division are entitled to compensation as provided by the legislature and must be recruited and trained within the border region to the extent practicable.

(d)  Subject to the provisions of this chapter, the secretary may appoint, promote, reduce, suspend, or discharge any officer or employee of the division.

(e)  Notwithstanding any other provision of this chapter, each officer commissioned or hired by the secretary under this section is subject to a one-year probationary period, regardless of the officer's rank or salary classification.

Sec. 426.203.  HIRING OFFICERS WITH PREVIOUS BORDER PATROL, TEXAS DEPARTMENT OF PUBLIC SAFETY, OR MILITARY EXPERIENCE. Notwithstanding any other provision of law, the division may, at the time an officer is hired for the division, elect to credit up to four years of experience as a Border Patrol Agent of the United States Customs and Border Protection, or as an Officer of the Texas Department of Public Safety, or a member of the armed forces of the United States for the purpose of calculating the officer's salary under Section 426.202(c).

Sec. 426.204.  QUALIFICATIONS. (a) To be a commissioned officer of the division, a person must hold a peace officer license issued under Chapter 1701, Occupations Code, and meet any other qualifications set by the secretary.

(b)  To be a noncommissioned officer of the division, a person must meet the qualifications set by the secretary by rule.

(c)  The secretary may provide by rule for the qualifications of any other employees of the division.

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

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

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

(e)  For purposes of Subsection (d):

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

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

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

Sec. 426.205.  TRAINING. (a) The division shall acquire equipment and facilities and conduct training necessary to carry out the operational, intelligence, communication, logistics, and administrative duties of the division provided by this chapter or the secretary. The division shall conduct the training in the border region.

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

Sec. 426.206.  AUTHORITY OF OFFICERS. (a) A commissioned officer of the division is governed by the law regulating and defining the powers and duties of sheriffs performing similar duties, except that the officer may make arrests and execute processes in a criminal case in any county in this state.

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

Sec. 426.207.  USE OF PERSONAL VEHICLE PROHIBITED. Notwithstanding any other provision of this chapter, an officer or other employee of the division may not use the officer's or employee's personal vehicle to conduct a traffic stop for any purpose related to the officer's or employee's duties.

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

Sec. 426.251.  OFFICE OF AUDIT AND REVIEW FOR DIVISION. (a) The governor shall establish the office of audit and review within the division and appoint a director to perform the duties under this section. The director of the office of audit and review of the division shall serve until removed by the governor.

(b)  The director of the office of audit and review must satisfy the requirements to be the division's internal auditor under Section 2102.006(b) and is considered to be the division's internal auditor for purposes of Chapter 2102.

(c)  The office of audit and review shall coordinate activities designed to promote effectiveness in the division's operations and to keep the governor and the legislature fully informed about deficiencies within the division. The office of audit and review shall:

(1)  inspect and audit division programs and operations for efficiency, uniformity, and compliance with established procedures and develop recommendations for improvement;

(2)  coordinate and be responsible for promoting accountability, integrity, and efficiency in the division; and

(3)  provide the governor with information relevant to its oversight of the division.

(d)  The division shall provide the director of the office of audit and review with access to any records, data, or other information necessary to fulfill the purposes of this section.

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

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

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

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

(g)  The office of audit and review shall:

(1)  independently and objectively inspect the division to:

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

(B)  make recommendations for improvements in operational performance;

(2)  independently and objectively audit the division to:

(A)  promote economy, effectiveness, and efficiency within the division;

(B)  prevent and detect fraud, waste, and abuse in division programs and operations; and

(C)  make recommendations about the adequacy and effectiveness of the division's system of internal control policies and procedures;

(3)  advise in the development and evaluation of the division's performance measures;

(4)  review actions taken by the division to improve program performance and make recommendations for improvement;

(5)  review and make recommendations to the governor and the legislature regarding rules, laws, and guidelines relating to division programs and operations;

(6)  keep the governor, secretary, and legislature fully informed of problems in division programs and operations; and

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

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

Sec. 426.252.  INSPECTOR GENERAL FOR DIVISION. (a) The governor shall establish the office of the inspector general within the division and appoint the inspector general of the division. The inspector general of the division shall serve until removed by the governor.

(b)  The inspector general of the division is responsible for:

(1)  preparing and delivering assessments concerning the administration of the division to the governor, the legislature, and the secretary;

(2)  acting to prevent and detect serious breaches of division policy, fraud, and abuse of office, including any acts of criminal conduct within the division; and

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

(A)  conduct described by Subdivision (2);

(B)  criminal activity occurring within the division;

(C)  allegations of wrongdoing by division employees;

(D)  crimes committed on division property; and

(E)  serious breaches of division policy.

(c)  The inspector general of the division shall report directly to the governor regarding performance of and activities related to investigations and provide the secretary with information regarding investigations as appropriate.

(d)  The inspector general of the division shall regularly present to the governor:

(1)  reports of investigations; and

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

SECTION 2.03.  Chapter 820, Government Code, is amended by adding Subchapter A-3 to read as follows:

SUBCHAPTER A-3. MILITARY SERVICE CREDIT FOR CERTAIN MEMBERS HIRED BY TEXAS HOMELAND SECURITY DIVISION

Sec. 820.041.  CERTAIN MILITARY SERVICE CREDIT WITHOUT PURCHASE. (a) A cash balance group member hired by the office of the governor for the Texas homeland security division under Chapter 426 who served active federal duty in the armed forces of the United States and obtains a peace officer license issued under Chapter 1701, Occupations Code, while employed with the division may establish military service credit not to exceed six months in the retirement system for the purposes described by Subsection (c) by submitting a request to the system in a form and manner prescribed by the system.

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

(c)  Military service credit established under this section may be used only to determine whether the cash balance group member is eligible to retire and receive a cash balance annuity under this chapter. The service credit does not affect eligibility for any other purpose, including for purposes of determining eligibility to participate in the group benefits program established under Chapter 1551, Insurance Code.

SECTION 2.04.  Subchapter C, Chapter 2155, Government Code, is amended by adding Section 2155.151 to read as follows:

Sec. 2155.151.  CERTAIN PURCHASES BY OFFICE OF THE GOVERNOR (a) The office of the governor is delegated all purchasing functions relating to the purchase of technologies and equipment for use by the Texas homeland security division in border security operations, including technology and equipment described by Section 426.104, to ensure the division consistently adopts innovative technologies and solutions for those operations.

(b)  The office of the governor shall acquire goods and services under Subsection (a) by any procurement method that provides the best value and operational utility to the office. The office of the governor shall consider the best value standards listed in Section 2155.074 and Section 2155.067.

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

ARTICLE 3. BORDER PROTECTION PROPERTY DAMAGE PROGRAM

SECTION 3.01.  The heading to Chapter 56C, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3.02.  Article 56C.001, Code of Criminal Procedure, is amended by amending Subdivision (2) and adding Subdivision (2-a) to read as follows:

(2)  "Border crime" means conduct:

(A)  constituting an offense under:

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

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

(iii)  Chapter 20A, Penal Code; and

(B)  involving transnational criminal activity.

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

SECTION 3.03.  The heading to Article 56C.003, Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3.04.  Article 56C.003, Code of Criminal Procedure, is amended by amending Subsections (a), (c), and (d) and adding Subsection (a-1) to read as follows:

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

(1)  landowners who suffer real property damage on agricultural land caused by:

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

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

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

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

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

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

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

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

(5)  grants and reimbursements by the federal government; and

(6)  proceeds received under Article 59.06(v).

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

(d)  In awarding compensation under this article for [~~real~~] property damage caused by a trespasser [~~described by Subsection (a)(1)~~], the attorney general may not consider the outcome of any criminal prosecution arising out of the offense under Chapter 28, Penal Code, as a result of which the applicant suffered property damage or the applicable offense listed in Article 56C.001(2)(A).

SECTION 3.05.  Article 56C.006(a), Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3.06.  Article 59.06(t)(1), Code of Criminal Procedure, is amended to read as follows:

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

SECTION 3.07.  Article 59.06, Code of Criminal Procedure, is amended by adding Subsection (v) to read as follows:

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

SECTION 3.08.  Article 56C.007, Code of Criminal Procedure, is repealed.

ARTICLE 4. BORDER SECURITY ADVISORY COUNCIL

SECTION 4.01.  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, if applicable;

(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 and public safety, if applicable;

(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

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

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

(A)  Department of Public Safety;

(B)  Texas Military Department;

(C)  Texas Division of Emergency Management;

(D)  Parks and Wildlife Department;

(E)  Texas Department of Criminal Justice;

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

(G)  Texas Alcoholic Beverage Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A)  an assessment of:

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

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

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

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

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

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

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

(4)  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;

(5)  recommend to the legislature and the governor:

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

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

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

(6)  advise the legislature and the governor regarding:

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

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

(C)  improving transparency of border security operations; and

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

(i)  The council may hire staff or may contract with universities or other suitable entities to assist the council in carrying out the council's duties. Funding to support the operation of the council shall be provided from funds appropriated to the Texas Legislative Council.

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

SECTION 4.02.  Section 421.044, Government Code, is amended to read as follows:

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

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

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

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

ARTICLE 5. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES, EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 5.01.  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 for persons who are at least 10 years old regardless of gender, criminal justice centers, and other similar facilities;

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

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

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

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

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

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

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

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

Sec. 421.115.  REPORTING REQUIREMENTS. (a) The recipient of funds for a purpose described by Section 421.112 shall submit to the office, on an interval prescribed by the office, reports regarding the use of the funds and any other issue related to the funds as determined by the office.

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

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

SECTION 5.02.  As soon as practicable after the effective date of this Act, the office of the governor shall adopt rules as necessary to implement Subchapter G, Chapter 421, Government Code, as added by this Act.

ARTICLE 6. BORDER PROTECTION AGREEMENTS

SECTION 6.01.  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 AND ENGAGEMENT WITH

AUTHORITIES OF UNITED MEXICAN STATES. (a) 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.

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

ARTICLE 7. SEVERABILITY; EFFECTIVE DATE

SECTION 7.01.  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 7.02.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.