

By: Guillen

H.B. No. 13

A BILL TO BE ENTITLED

AN ACT

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

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

8 ARTICLE 1. LEGISLATIVE FINDING

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

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

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

18 ARTICLE 2. TEXAS HOMELAND SECURITY DIVISION

19 SECTION 2.01. Article [2.12](#), Code of Criminal Procedure, as  
20 amended by Chapters 624 (H.B. 4372), 870 (H.B. 3981), 950 (S.B.  
21 1727), and 984 (S.B. 2612), Acts of the 88th Legislature, Regular  
22 Session, 2023, is reenacted and amended to read as follows:

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

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

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

7           (3) marshals or police officers of an incorporated  
8 city, town, or village, and those reserve municipal police officers  
9 who hold a permanent peace officer license issued under Chapter  
10 1701, Occupations Code;

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

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

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

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

20           (8) officers commissioned under Section 37.081 or  
21 37.0818, Education Code, or Subchapter E, Chapter 51, Education  
22 Code;

23           (9) officers commissioned by the General Services  
24 Commission;

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

27           (11) officers commissioned under Chapter 23,

1 Transportation Code;

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

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

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

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

10          (16) investigators commissioned by the Texas Medical  
11 Board;

12          (17) officers commissioned by:

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

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

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

23               (D) the board of hospital managers of the Lubbock  
24 County Hospital District of Lubbock County, Texas, under Section  
25 1053.113, Special District Local Laws Code;

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

- 1           (19) investigators employed by the Texas Racing  
2 Commission;
- 3           (20) officers commissioned under Chapter 554,  
4 Occupations Code;
- 5           (21) officers commissioned by the governing body of a  
6 metropolitan rapid transit authority under Section 451.108,  
7 Transportation Code, or by a regional transportation authority  
8 under Section 452.110, Transportation Code;
- 9           (22) investigators commissioned by the attorney  
10 general under Section 402.009, Government Code;
- 11           (23) security officers and investigators commissioned  
12 as peace officers under Chapter 466, Government Code;
- 13           (24) officers appointed by an appellate court under  
14 Subchapter F, Chapter 53, Government Code;
- 15           (25) officers commissioned by the state fire marshal  
16 under Chapter 417, Government Code;
- 17           (26) an investigator commissioned by the commissioner  
18 of insurance under Section 701.104, Insurance Code;
- 19           (27) officers appointed by the inspector general of  
20 the Texas Juvenile Justice Department under Section 242.102, Human  
21 Resources Code;
- 22           (28) officers appointed by the inspector general of  
23 the Texas Department of Criminal Justice under Section 493.019,  
24 Government Code;
- 25           (29) investigators commissioned by the Texas  
26 Commission on Law Enforcement under Section 1701.160, Occupations  
27 Code;

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

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

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

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

13 (34) [~~(35)~~] fire marshals and any related officers,  
14 inspectors, or investigators of a municipality who hold a permanent  
15 peace officer license issued under Chapter 1701, Occupations Code;  
16 [~~and~~]

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

20 (36) officers of the Texas homeland security division  
21 commissioned by the secretary of homeland security under Section  
22 426.202, Government Code.

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

25 CHAPTER 426. TEXAS HOMELAND SECURITY DIVISION

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 426.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

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

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

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

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

1 state.

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

- 6 (1) September 1, 2031; or
- 7 (2) removal by the governor.

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

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

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

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

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

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

27 (b) The division shall cooperate with the border

1 prosecution unit to carry out the duties of the division and the  
2 unit.

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

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

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

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

17 SUBCHAPTER B. CONSOLIDATION OF BORDER OPERATIONS

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

25 (1) the office of the attorney general;

26 (2) the Department of Public Safety;

27 (3) the Texas Military Department;



- 1           (4) the Parks and Wildlife Department;  
2           (5) the Texas Alcoholic Beverage Commission;  
3           (6) the Texas Department of Criminal Justice;  
4           (7) the Texas Commission on Jail Standards;  
5           (8) the Texas Commission on Law Enforcement;  
6           (9) the Office of Court Administration of the Texas  
7 Judicial System;  
8           (10) the Department of State Health Services;  
9           (11) the Texas Department of Motor Vehicles;  
10          (12) the Texas Division of Emergency Management;  
11          (13) the State Soil and Water Conservation Board; and  
12          (14) any other state agency designated by the  
13 governor.

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

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

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

26          (c) A local government that dedicates resources to the  
27 division under this section is entitled to reimbursement for the

1 use of those resources as provided by the written agreement under  
2 Subsection (b) and the General Appropriations Act.

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

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

13 Sec. 426.054. AUTHORITY OF DEDICATED PERSONNEL. (a) A  
14 person dedicated to the division and its duties under Section  
15 426.051 or 426.052 retains the authority of the office held by the  
16 person with the dedicating state agency or local government and may  
17 exercise any powers granted to the division under this chapter with  
18 the approval of the secretary.

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

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

27 Sec. 426.055. USE OF DEDICATED PROPERTY. Any property,

1 including equipment or facilities, dedicated to the division and  
2 its duties under Section 426.051 or 426.052 may be used for the  
3 purposes of the dedicating state agency or local government or the  
4 purposes of the division.

5 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

17 (5) organize the division and supervise its operation;

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

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

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

27 (9) create as necessary, with the advice and consent

1 of the governor, operational or administrative entities within the  
2 division and appoint heads of those entities;

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

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

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

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

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

22 (1) law enforcement operations;

23 (2) intelligence gathering, analysis, and  
24 dissemination;

25 (3) surveillance and detection of criminal activity,  
26 including improper entry of individuals from foreign nations and  
27 the smuggling of individuals and controlled substances, using

1 cameras, unmanned aircraft, and other technologies;

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

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

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

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

13 Sec. 426.103. LAW ENFORCEMENT BORDER PROTECTION FUNCTIONS.

14 The secretary may order commissioned officers under the secretary's  
15 authority to take, and the commissioned officers may take, the  
16 following actions to the extent consistent with the United States  
17 and Texas Constitutions:

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

20 (2) remove illegal aliens from this state who:

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

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

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

1 interdicting human smuggling.

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

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

15 (2) surveillance and detection technology to be  
16 deployed at and near each port of entry along the Texas-Mexico  
17 border to detect and deter the improper entry of individuals from  
18 foreign nations and the smuggling of individuals and controlled  
19 substances, such as fentanyl, cocaine, heroin, and  
20 methamphetamine; and

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

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

27 Sec. 426.105. OPERATIONAL PLAN TO COORDINATE BORDER

1 PROTECTION. (a) The secretary or the secretary's designee shall  
2 develop and recommend to the governor, the legislature, and the  
3 Border Security Advisory Council a strategic plan that establishes  
4 the framework for the budgeting and operations of the division,  
5 including homeland security strategies, to be administered by the  
6 division and state agencies that provide assistance to the  
7 division.

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

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

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

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

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

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

23 (c) The secretary shall determine the membership of the  
24 advisory council. In determining the membership of the council  
25 under this subsection, the secretary shall consider potential  
26 members with expertise in domestic and international strategies  
27 relating to border protection technology and equipment, including

1 members from local, state, and federal law enforcement, research  
2 organizations, and private industry.

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

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

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

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

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

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

23 Sec. 426.107. TECHNOLOGY POLICY; REVIEW. (a) The office  
24 shall implement a policy requiring the division to use appropriate  
25 technological solutions to improve the division's ability to  
26 perform its functions. The policy must ensure that the division's  
27 capability to conduct border security operations and similar



1 functions is not impeded by the use of obsolete or outdated  
2 technologies.

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

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

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

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

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

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

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

26 (c) Officers of the division are entitled to compensation as  
27 provided by the legislature and must be recruited and trained

1 within the border region to the extent practicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7       Sec. 426.207. USE OF PERSONAL VEHICLE PROHIBITED.

8 Notwithstanding any other provision of this chapter, an officer or  
9 other employee of the division may not use the officer's or  
10 employee's personal vehicle to conduct a traffic stop for any  
11 purpose related to the officer's or employee's duties.

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

13                       GENERAL

14       Sec. 426.251. OFFICE OF AUDIT AND REVIEW FOR DIVISION. (a)

15 The governor shall establish the office of audit and review within  
16 the division and appoint a director to perform the duties under this  
17 section. The director of the office of audit and review of the  
18 division shall serve until removed by the governor.

19       (b) The director of the office of audit and review must  
20 satisfy the requirements to be the division's internal auditor  
21 under Section [2102.006\(b\)](#) and is considered to be the division's  
22 internal auditor for purposes of Chapter [2102](#).

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

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

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

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

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

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

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

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

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

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

23           (1) independently and objectively inspect the  
24 division to:

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

1                   (B) make recommendations for improvements in  
2 operational performance;

3                   (2) independently and objectively audit the division  
4 to:

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

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

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

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

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

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

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

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

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

26                   Sec. 426.252. INSPECTOR GENERAL FOR DIVISION. (a) The  
27 governor shall establish the office of the inspector general within

1 the division and appoint the inspector general of the division. The  
2 inspector general of the division shall serve until removed by the  
3 governor.

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

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

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

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

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

15 (B) criminal activity occurring within the  
16 division;

17 (C) allegations of wrongdoing by division  
18 employees;

19 (D) crimes committed on division property; and

20 (E) serious breaches of division policy.

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

25 (d) The inspector general of the division shall regularly  
26 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 2.03. Chapter 820, Government Code, is amended by  
6 adding Subchapter A-3 to read as follows:

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

9           Sec. 820.041. CERTAIN MILITARY SERVICE CREDIT WITHOUT  
10 PURCHASE. (a) A cash balance group member hired by the office of  
11 the governor for the Texas homeland security division under Chapter  
12 426 who served active federal duty in the armed forces of the United  
13 States and obtains a peace officer license issued under Chapter  
14 1701, Occupations Code, while employed with the division may  
15 establish military service credit not to exceed six months in the  
16 retirement system for the purposes described by Subsection (c) by  
17 submitting a request to the system in a form and manner prescribed  
18 by the system.

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

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



1 other purpose, including for purposes of determining eligibility to  
2 participate in the group benefits program established under Chapter  
3 1551, Insurance Code.

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

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

7 (a) The office of the governor is delegated all purchasing  
8 functions relating to the purchase of technologies and equipment  
9 for use by the Texas homeland security division in border security  
10 operations, including technology and equipment described by  
11 Section 426.104, to ensure the division consistently adopts  
12 innovative technologies and solutions for 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 and operational utility to the office. The  
16 office of the governor shall consider the best value standards  
17 listed in Section 2155.074 and Section 2155.067.

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

25 ARTICLE 3. BORDER PROTECTION PROPERTY DAMAGE PROGRAM

26 SECTION 3.01. The heading to Chapter 56C, Code of Criminal  
27 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 3.02. 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 3.03. 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 3.04. 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;

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

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

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

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

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

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

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

14 (t)(1) This subsection applies only to contraband for which  
15 forfeiture is authorized with respect to an offense under Section  
16 [~~20.05, 20.06~~] 20.07, 43.04, or 43.05 or Chapter 20A, Penal Code.

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

19 (v) Notwithstanding any other provision of this article,  
20 with respect to forfeited property seized in connection with an  
21 offense under Section 20.05 or 20.06, Penal Code, in a proceeding  
22 under Article 59.05 in which judgment is rendered in favor of the  
23 state, the attorney representing the state shall transfer the  
24 proceeds from the sale of the forfeited property under Subsection  
25 (a) to the comptroller for deposit to the credit of the border crime  
26 property damage compensation program established under Chapter  
27 56C.

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

3 ARTICLE 4. BORDER SECURITY ADVISORY COUNCIL

4 SECTION 4.01. Subchapter B-1, Chapter 421, Government Code,  
5 is amended by adding Section 421.0425 to read as follows:

6 Sec. 421.0425. BORDER SECURITY ADVISORY COUNCIL. (a) The  
7 Border Security Advisory Council is a permanent special advisory  
8 committee created to advise the legislature and the governor or the  
9 governor's designee on homeland security issues impacting the  
10 security of the Texas-Mexico border and on streamlining statewide  
11 border security activities and initiatives.

12 (b) The council is composed of:

13 (1) the chair of the standing substantive committee of  
14 the senate with primary jurisdiction over border security;

15 (2) the chair of the standing substantive committee of  
16 the house of representatives with primary jurisdiction over border  
17 security and public safety, if applicable;

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

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

22 (B) one senator must be the chair of the senate  
23 standing committee with primary jurisdiction over border security  
24 issues and public safety, if applicable;

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

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

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

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

8                   (A) Department of Public Safety;

9                   (B) Texas Military Department;

10                  (C) Texas Division of Emergency Management;

11                  (D) Parks and Wildlife Department;

12                  (E) Texas Department of Criminal Justice;

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

15                   (G) Texas Alcoholic Beverage Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27                   (2) must specify in the notice of the meeting the

1 location at which the joint chairs will be physically present;

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

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

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

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

16 (A) an assessment of:

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

22                   (C) improving transparency of border security  
23 operations; and

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

27           (i) The council may hire staff or may contract with

1 universities or other suitable entities to assist the council in  
2 carrying out the council's duties. Funding to support the  
3 operation of the council shall be provided from funds appropriated  
4 to the Texas Legislative Council.

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

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

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

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

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

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

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

24 SECTION 5.01. Chapter 421, Government Code, is amended by  
25 adding Subchapter G to read as follows:

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

27 Sec. 421.111. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

25           (4) the construction and maintenance of temporary  
26 border security infrastructure, including temporary barriers,  
27 bouys, fences, wires, roads, trenches, surveillance technology,

1 real time multimedia interoperability technology, or other  
2 improvements, designed or adapted to detect, surveil, impede, or  
3 interdict the movement of persons or objects across the  
4 Texas-Mexico border at locations other than ports of entry; and

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

10 Sec. 421.113. FEDERAL FUNDS; GIFTS, GRANTS, AND DONATIONS.

11 In addition to funds appropriated by the legislature and for the  
12 purposes of this subchapter, the office may:

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

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

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

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

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

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

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

10                 ARTICLE 6. BORDER PROTECTION AGREEMENTS

11       SECTION 6.01. Title 7, Government Code, is amended by  
12 adding Chapter 795 to read as follows:

13       CHAPTER 795. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN  
14                                     STATES

15       Sec. 795.001. AUTHORITY FOR AGREEMENTS AND ENGAGEMENT WITH  
16 AUTHORITIES OF UNITED MEXICAN STATES. (a) On behalf of this state,  
17 the governor may coordinate, develop, and execute agreements with  
18 the United Mexican States and the states of the United Mexican  
19 States regarding the authority of this state to protect and defend  
20 its citizens.

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

1                   ARTICLE 7. SEVERABILITY; EFFECTIVE DATE

2                   SECTION 7.01. It is the intent of the legislature that every  
3 provision, section, subsection, sentence, clause, phrase, or word  
4 in this Act, and every application of the provisions in this Act to  
5 every person, group of persons, or circumstances, is severable from  
6 each other. If any application of any provision in this Act to any  
7 person, group of persons, or circumstances is found by a court to be  
8 invalid for any reason, the remaining applications of that  
9 provision to all other persons and circumstances shall be severed  
10 and may not be affected.

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