By:  Guillen H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to public services and programs in the southern border region of this state to address the effects of ongoing criminal activity and public health threats, including methods of financing those services.

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

ARTICLE 1. BORDER REGION SPECIALTY COURTS

SECTION 101.  Title 2, Subtitle K, Government Code, is amended by adding Chapter 131 to read as follows:

CHAPTER 131. BORDER PROTECTION COURT PROGRAM

Sec. 131.001.  DEFINITION. As used in this chapter, "border region" has the meaning assigned by Section 772.0071(a)(2).

Sec. 131.002.  AUTHORITY TO ESTABLISH PROGRAM. (a) The commissioners court of a county located in a border region may establish a border protection court program under this chapter.

(b)  The commissioners courts of two or more counties may establish a regional border protection court program under this chapter for the participating counties.

Sec. 131.003.  JURISDICTION. A border protection court program established under Section 131.002 may handle all issues arising under Chapter 51, Penal Code, and related border issues.

Sec. 131.004.  GRANTS. A border protection court program established under this chapter may request and accept grants administered by the Office of Court Administration under Subchapter H, Chapter 72.

Sec. 131.005.  REPORTING. Each border protection court program must report to the Office of Court Administration all statistical information as required by office rule.

SECTION 2.  Chapter 72, Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. BORDER PROTECTION COURT PROGRAM GRANTS

Sec. 72.201.  GRANT PROGRAM. (a) From money appropriated for this purpose, the office shall establish and administer a grant program to support the operation of a border protection court program established under Chapter 131.

(b)  In addition to other money appropriated by the legislature, in order to achieve the purposes described by Subsection (a), the office may:

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

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation and operation of a border court protection program.

(c)  The office shall adopt rules for the administration of the grant program established under this section. In adopting the rules, the office shall solicit, from border region officials, community leaders, and other stakeholders, information necessary to identify the courts needing financial assistance. The rules must include:

(1)  administrative provisions relating to the awarding of grants under this section, such as:

(A)  eligibility criteria;

(B)  grant application procedures;

(C)  guidelines relating to grant amounts;

(D)  procedures for evaluating grant applications; and

(E)  procedures for monitoring the use of grants; and

(2)  methods for tracking the effectiveness of grants.

(d)  The amount of a grant awarded under this section may not exceed an amount specified by rider in the general appropriations act.

(e)  The recipient of a grant awarded under this section shall submit to the office an annual report on the amounts of grant funds spent during the year covered by the report and the purposes for which those funds were spent.

(f)  A reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this section may be used by the office to pay the costs of administering this section.

Sec. 72.202.  RULES. The office shall adopt rules for administering this subchapter.

ARTICLE 2. COMPENSATION FOR BORDER PROPERTY DAMAGE VICTIMS

SECTION 2.01.  Subtitle B, Title 4, Government Code, is amended by adding Chapter 421A to read as follows:

CHAPTER 421A. BORDER PROPERTY DAMAGE COMPENSATION FUND

Sec. 421A.001.  DEFINITION. In this chapter:

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

(2)  "Fund" means the border property damage compensation fund.

Sec. 421A.002.  FINDING. The legislature finds that the condition required under Section 51, Article III, Texas Constitution, for the disbursement of money from the fund established by this chapter exists.

Sec. 421A.003.  FUND ESTABLISHED. (a) The border property damage compensation fund is a special fund in the state treasury outside the general revenue fund and shall be administered by the comptroller under this section and rules adopted by the comptroller.

(b)  The fund consists of:

(1)  money appropriated by the legislature for deposit to the credit of the fund;

(2)  gifts to the state for the purposes of the fund; and

(3)  money directed by law for deposit to the credit of the fund.

Sec. 421A.004.  USES OF FUND. Except as otherwise provided by this chapter, money in the fund may be appropriated only to compensate a person in the border region for actual damages to the person's real or personal property caused by a person who entered or attempted to enter the state by crossing its border with Mexico at any time or place other than at a port of entry.

ARTICLE 3. EDUCATIONAL PROGRAM

SECTION 3.01.  Chapter 61, Education Code, is amended by adding Subchapter D-1 to read as follows:

SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

Sec. 61.101.  BORDER INSTITUTION GRANT PROGRAM. (a) As used in this chapter, "border region" has the meaning assigned by Section 771.0071(a)(2), Government Code.

(b)  Subject to available funds, the board shall establish a border institution grant program under which the board awards financial assistance to institutions of higher education in the border region that administer innovative programs for:

(1)  recruitment, training, and retention designed to increase the number of professionals in fields related to border safety or impacted by ongoing criminal activity and public health threats to the border region, as determined by board rule, including programs that provide a salary increase or stipend to a faculty member who provides instruction to additional students in a degree or certificate program that graduates those professionals; and

(2)  conducting research in areas of study related to border safety or impacted by ongoing criminal activity and public health threats to the border region.

Sec. 61.102.  FEDERAL FUNDS AND GIFTS, GRANTS, AND DONATIONS. In addition to other money appropriated by the legislature, in order to achieve the purposes described by Section 61.101, the board may:

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

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the grant program established under this subchapter.

Sec. 61.103.  RULES. (a) The board shall adopt rules for the administration of the grant program established under this subchapter. In adopting the rules, the board shall solicit, from border region officials, community leaders, and other stakeholders, information necessary to identify innovative programs described by Section 61.101 anticipated to produce the best outcomes and serve the greatest need.

(b)  The rules must include:

(1)  administrative provisions relating to the awarding of grants under this subchapter, such as:

(A)  eligibility criteria for institutions of higher education, including a requirement that the institution demonstrate regional and state workforce need;

(B)  grant application procedures;

(C)  guidelines relating to grant amounts;

(D)  procedures for evaluating grant applications;

(E)  procedures for monitoring the use of grants; and

(2)  methods for tracking the effectiveness of grants that:

(A)  using data reasonably available to the board, consider relevant information regarding the career paths of professionals described by Section 61.101 during the four-year period following their graduation; and

(B)  evaluate whether and for how long those professionals practice in a field described by Section 61.101 in this state.

Sec. 61.104.  AWARD OF GRANTS. In awarding grants under this subchapter, the board shall give priority to applicants that propose to:

(1)  enhance or leverage existing degree programs that graduate professionals described by Section 61.101;

(2)  establish or maintain a program that serves a rural or underserved area;

(3)  partner with:

(A)  another institution of higher education to develop a joint program; or

(B)  a public school to implement early recruitment in high school;

(4)  establish or maintain a program that incentivizes professionals described by Section 61.101 to serve in their field or a related field of study for at least three consecutive years following graduation; and

(5)  establish or maintain a degree or certificate program to educate professionals in specialties that face significant workforce shortages, including those described by Section 61.601.

Sec. 61.105.  GRANT AMOUNT. The amount of a grant awarded under this subchapter may not exceed an amount specified by rider in the general appropriations act.

Sec. 61.106.  REPORTING REQUIREMENTS. An institution of higher education that receives a grant awarded under this subchapter shall submit to the board an annual report on the amount of grant funds spent during the year covered by the report and the purposes for which those funds were spent.

Sec. 61.107.  ADMINISTRATIVE COSTS. A reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this subchapter may be used by the board to pay the costs of administering this subchapter.

SECTION 3.02.  (a) As soon as practicable after the effective date of this Act, the Texas Higher Education Coordinating Board shall adopt rules for the implementation and administration of the border institution grant program established under Subchapter D-1, Chapter 61, Education Code, as added by this Act.

(b)  As soon as practicable after rules are adopted, but not later than September 1, 2024, the Texas Higher Education Coordinating Board shall identify the innovative programs described by Section 61.101, Education Code, as added by this Act, and shall begin to award grants to eligible institutions of higher education to support those programs.

ARTICLE 4. FINANCIAL ASSISTANCE FOR CONSTRUCTION AND MAINTENANCE OF BORDER FACILITIES AND CONSTRUCTION AND MAINTENANCE OF PHYSICAL BARRIERS

SECTION 4.01.  Subchapter Z, Chapter 421, Government Code, is amended by adding Sections 428.902 and 428.903 to read as follows:

Sec. 421.902.  FINANCIAL ASSISTANCE FOR THE CONSTRUCTION AND MAINTENANCE OF BORDER FACILITIES. (a) As used in this section, "border region" has the meaning assigned by Section 772.0071(a)(2).

(b)  Subject to available funds, the criminal justice division of the governor's office shall establish and administer a grant program under which the division awards financial assistance to local governments and community institutions in the border region for the construction and maintenance of facilities related to border safety, including facilities used to mitigate ongoing criminal activity and public health threats to the border region, as determined by rule.

(c)  In addition to other money appropriated by the legislature, in order to achieve the purposes described by Subsection (b), the division may:

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

(2)  solicit and accept gifts, grants, and donations from any other source, public or private, as necessary to ensure effective implementation of the grant program.

(d)  The governor shall adopt rules for the administration of the grant program established under this section. In adopting the rules, the governor shall solicit, from border region officials, community leaders, and other stakeholders, information necessary to identify the greatest needs for financial assistance. The rules must include:

(1)  administrative provisions relating to the awarding of grants under this section, such as:

(A)  eligibility criteria;

(B)  grant application procedures;

(C)  guidelines relating to grant amounts;

(D)  procedures for evaluating grant applications; and

(E)  procedures for monitoring the use of grants;

and

(2)  methods for tracking the effectiveness of grants.

(e)  The amount of a grant awarded under this section may not exceed an amount specified by rider in the general appropriations act.

(f)  The recipient of a grant awarded under this section shall submit to the division an annual report on the amount of grant funds spent during the year covered by the report and the purposes for which those funds were spent.

(g)  A reasonable amount, not to exceed five percent, of any general revenue appropriated for purposes of this section may be used by the division to pay the costs of administering this section.

Sec. 421.903.  CONSTRUCTION AND MAINTENANCE OF PHYSICAL BARRIERS. (a) As used in this section, "unit" means the border protection unit established by Subchapter C-1, Chapter 411.

(b)  The unit shall oversee the construction and maintenance of walls, fences, and other physical barriers along the border with Mexico in order to enhance the safety and security of the people of this state.

(c)  The unit chief is authorized to negotiate and acquire the necessary right of way, leases, permissions, materials, and services needed to erect, and maintain physical barriers.

(d)  The unit may use funds appropriated by the legislature, other government funds made available to the unit for that purpose, or donations from United States citizens and entities that are controlled by a majority of United States citizens.

ARTICLE 5. LEGISLATIVE OVERSIGHT

SECTION 5.01.  Subtitle C, Title 3, Government Code, is amended by adding Chapter 331 to read as follows:

CHAPTER 331. LEGISLATIVE BORDER SAFETY OVERSIGHT COMMITTEE

Sec. 331.001.  DEFINITION. In this section, "committee" means the legislative border safety oversight committee established under this chapter.

Sec. 331.002.  ESTABLISHMENT; COMPOSITION. (a) The legislative border safety oversight committee is established to:

(1)  provide objective research, analysis, and recommendations to help guide state border safety policies;

(2)  provide oversight for the border protection unit established under Chapter C-1, Chapter 411; and

(3)  perform other duties required by law.

(b)  The committee consists of the following members:

(1)  the lieutenant governor;

(2)  the speaker of the house of representatives;

(3)  four members of the senate appointed by the lieutenant governor; and

(4)  four members of the house appointed by the speaker.

(c)  The lieutenant governor and the speaker of the house of representatives are joint chairs of the committee.

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

(e)  The committee shall meet as often as necessary to perform the committee's duties. Meetings may be held at any time at the request of either chair or on written petition of a majority of the committee members from each house of the legislature.

(f)  The committee shall meet in Austin, except that if a majority of the committee members from each house of the legislature agree, the committee may meet in any location determined by the committee.

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

(h)  A committee meeting held by use of telephone conference call, video conference call, or other similar telecommunication device:

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

(2)  must specify in the notice of the meeting the location in Austin 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 committee 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.

Sec. 331.003.  POWERS AND DUTIES. (a) The committee 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 the cost-effectiveness of the use of state and local funds in ensuring border safety;

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

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

(2)  recommend to the legislature:

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

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

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

(b)  The committee has all other powers and duties provided to a special committee by:

(1)  Subchapter B, Chapter 301;

(2)  the rules of the senate and the house of representatives; and

(3)  policies of the senate and house committees on administration.

Sec. 331.004.  STAFF; AUTHORITY TO CONTRACT. The committee may hire staff or may contract with universities or other suitable entities to assist the committee in carrying out the committee's duties. Funding to support the operation of the committee shall be provided from funds appropriated to the Texas Legislative Council.

Sec. 328.005.  REPORT. Not later than January 1 of each odd-numbered year, the committee shall submit to the legislature a report that contains the recommendations described by Section 331.003(a)(2).

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01.  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 September 1, 2023.