

By: Guillen

H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

1
2 relating to public services and programs in the southern border
3 region of this state to address the effects of ongoing criminal
4 activity and public health threats, including methods of financing
5 those services.

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

7 ARTICLE 1. BORDER REGION SPECIALTY COURTS

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

10 CHAPTER 131. BORDER PROTECTION COURT PROGRAM

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

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

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

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

22 Sec. 131.004. GRANTS. A border protection court program
23 established under this chapter may request and accept grants
24 administered by the Office of Court Administration under Subchapter

1 H, Chapter 72.

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

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

7 SUBCHAPTER H. BORDER PROTECTION COURT PROGRAM GRANTS

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

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

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

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

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

27 (1) administrative provisions relating to the

1 awarding of grants under this section, such as:

2 (A) eligibility criteria;

3 (B) grant application procedures;

4 (C) guidelines relating to grant amounts;

5 (D) procedures for evaluating grant
6 applications; and

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

8 and

9 (2) methods for tracking the effectiveness of grants.

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

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

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

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

22 ARTICLE 2. COMPENSATION FOR BORDER PROPERTY DAMAGE VICTIMS

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

25 CHAPTER 421A. BORDER PROPERTY DAMAGE COMPENSATION FUND

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

27 (1) "Border region" has the meaning assigned by

1 Section 772.0071(a)(2).

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

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

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

13 (b) The fund consists of:

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

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

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

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

26 ARTICLE 3. EDUCATIONAL PROGRAM

27 SECTION 3.01. Chapter 61, Education Code, is amended by

1 adding Subchapter D-1 to read as follows:

2 SUBCHAPTER D-1. BORDER INSTITUTION GRANT PROGRAM

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

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

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

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

21 Sec. 61.102. FEDERAL FUNDS AND GIFTS, GRANTS, AND
22 DONATIONS. In addition to other money appropriated by the
23 legislature, in order to achieve the purposes described by Section
24 61.101, the board may:

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

27 (2) solicit and accept gifts, grants, and donations

1 from any other source, public or private, as necessary to ensure
2 effective implementation of the grant program established under
3 this subchapter.

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

11 (b) The rules must include:

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

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

17 (B) grant application procedures;

18 (C) guidelines relating to grant amounts;

19 (D) procedures for evaluating grant
20 applications;

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

22 and

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

25 (A) using data reasonably available to the board,
26 consider relevant information regarding the career paths of
27 professionals described by Section 61.101 during the four-year

1 period following their graduation; and

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

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

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

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

12 (3) partner with:

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 421.902. FINANCIAL ASSISTANCE FOR THE CONSTRUCTION AND

1 MAINTENANCE OF BORDER FACILITIES. (a) As used in this section,
2 "border region" has the meaning assigned by Section 772.0071(a)(2).

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

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

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

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

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

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

27 (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.

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

5 ARTICLE 5. LEGISLATIVE OVERSIGHT

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

8 CHAPTER 331. LEGISLATIVE BORDER SAFETY OVERSIGHT COMMITTEE

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

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

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

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

18 (3) perform other duties required by law.

19 (b) The committee consists of the following members:

20 (1) the lieutenant governor;

21 (2) the speaker of the house of representatives;

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

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

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

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

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

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

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

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

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

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

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

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

13 Sec. 331.003. POWERS AND DUTIES. (a) The committee shall:

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

17 (A) an assessment of the cost-effectiveness of
18 the use of state and local funds in ensuring border safety;

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

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

23 (2) recommend to the legislature:

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

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

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

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

6 (1) Subchapter B, Chapter 301;

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

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

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

16 Sec. 328.005. REPORT. Not later than January 1 of each
17 odd-numbered year, the committee shall submit to the legislature a
18 report that contains the recommendations described by Section
19 331.003(a)(2).

20 ARTICLE 6. EFFECTIVE DATE

21 SECTION 6.01. This Act takes effect immediately if it
22 receives a vote of two-thirds of all the members elected to each
23 house, as provided by Section 39, Article III, Texas Constitution.
24 If this Act does not receive the vote necessary for immediate
25 effect, this Act takes effect September 1, 2023.