

By: Guillen

H.B. No. 3782

Substitute the following for H.B. No. 3782:

By: Metcalf

C.S.H.B. No. 3782

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Border Security Advisory Council and the Border Protection Task Force.

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

ARTICLE 1. BORDER SECURITY ADVISORY COUNCIL

SECTION 1.01. Subchapter B-1, Chapter 421, Government Code, is amended by adding Section 421.0425 to read as follows:

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

(b) The council is composed of:

(1) the lieutenant governor;

(2) the speaker of the house of representatives;

(3) four senators appointed by the lieutenant governor

who collectively meet the following requirements:

(A) two senators must be members of the political party with the most members in the senate and two senators must be members of the political party with the second most members in the senate;

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

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

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

7 (A) two representatives must be members of the
8 political party with the most members in the house and two
9 representatives must be members of the political party with the
10 second most members in the house;

11 (B) two representatives must represent house
12 districts located in the border region; and

13 (C) one representative must be the chair of the
14 house standing committee with primary jurisdiction over border
15 security issues;

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

18 (A) Department of Public Safety;

19 (B) Texas Military Department;

20 (C) Texas Division of Emergency Management;

21 (D) Parks and Wildlife Department;

22 (E) Texas Department of Criminal Justice; and

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

25 (6) the following nonvoting members appointed by the
26 governor or the governor's designee:

27 (A) one representative of a county located in the

1 border region, other than a sheriff;

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

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

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

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

10 (7) other nonvoting members as determined by the
11 governor or the governor's designee.

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

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

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

21 (f) As an exception to Chapter 551 and other law, for a
22 meeting at which both joint chairs of the council are physically
23 present, any number of the other council members may attend the
24 meeting by use of telephone conference call, video conference call,
25 or other similar technology. This subsection applies for purposes
26 of establishing a quorum or voting or for any other purpose allowing
27 the members to fully participate in any council meeting. This

1 subsection applies without regard to the subject or topics
2 considered by the members at the meeting.

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

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

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

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

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

18 (h) In addition to the duties under Section [421.045](#), the
19 council shall:

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

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

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

27 (C) a determination of the state's long-range

1 border safety needs;

2 (2) recommend to the legislature and the governor:

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

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

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

9 (3) advise the legislature and the governor regarding:

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

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

16 (C) improving transparency of border security
17 operations; and

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

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

26 (j) Not later than January 1 of each odd-numbered year, the
27 council shall submit to the legislature and the governor a report

1 that contains the recommendations described by Subsection (h)(2).

2 SECTION 1.02. Section 421.044, Government Code, is amended
3 to read as follows:

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

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

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

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

16 ARTICLE 2. BORDER PROTECTION TASK FORCE

17 SECTION 2.01. Article 2.12, Code of Criminal Procedure, is
18 amended to read as follows:

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

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

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

27 (3) marshals or police officers of an incorporated

1 city, town, or village, and those reserve municipal police officers
2 who hold a permanent peace officer license issued under Chapter
3 1701, Occupations Code;

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

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

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

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

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

15 (9) officers commissioned by the General Services
16 Commission;

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

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

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

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

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

27 (15) officers commissioned by a board of trustees

1 under Chapter 54, Transportation Code;

2 (16) investigators commissioned by the Texas Medical
3 Board;

4 (17) officers commissioned by:

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

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

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

15 (D) the board of hospital managers of the Lubbock
16 County Hospital District of Lubbock County, Texas, under Section
17 1053.113, Special District Local Laws Code;

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

20 (19) investigators employed by the Texas Racing
21 Commission;

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

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

1 (22) investigators commissioned by the attorney
2 general under Section [402.009](#), Government Code;

3 (23) security officers and investigators commissioned
4 as peace officers under Chapter [466](#), Government Code;

5 (24) officers appointed by an appellate court under
6 Subchapter [F](#), Chapter [53](#), Government Code;

7 (25) officers commissioned by the state fire marshal
8 under Chapter [417](#), Government Code;

9 (26) an investigator commissioned by the commissioner
10 of insurance under Section [701.104](#), Insurance Code;

11 (27) apprehension specialists and inspectors general
12 commissioned by the Texas Juvenile Justice Department as officers
13 under Sections [242.102](#) and [243.052](#), Human Resources Code;

14 (28) officers appointed by the inspector general of
15 the Texas Department of Criminal Justice under Section [493.019](#),
16 Government Code;

17 (29) investigators commissioned by the Texas
18 Commission on Law Enforcement under Section [1701.160](#), Occupations
19 Code;

20 (30) commission investigators commissioned by the
21 Texas Private Security Board under Section [1702.061](#), Occupations
22 Code;

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

26 (32) officers commissioned by the State Board of
27 Dental Examiners under Section [254.013](#), Occupations Code, subject

1 to the limitations imposed by that section;

2 (33) investigators commissioned by the Texas Juvenile
3 Justice Department as officers under Section [221.011](#), Human
4 Resources Code; ~~and~~

5 (34) the fire marshal and any related officers,
6 inspectors, or investigators commissioned by a county under
7 Subchapter B, Chapter [352](#), Local Government Code; and

8 (35) officers of the Border Protection Task Force
9 commissioned by the task force chief under Section 425.054,
10 Government Code.

11 SECTION 2.02. Subtitle B, Title 4, Government Code, is
12 amended by adding Chapter 425 to read as follows:

13 CHAPTER 425. BORDER PROTECTION TASK FORCE

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 425.001. DEFINITIONS. In this chapter:

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

18 (2) "Border region" has the meaning assigned by
19 Section [772.0071](#).

20 (3) "Chief" means the chief of the task force.

21 (4) "Governing body" means the governing body of the
22 state agency selected under Section 425.002.

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

26 (6) "Port of entry" means a port or place designated by
27 the United States Department of Homeland Security at which an alien

1 may apply to the department for admission into the United States.

2 (7) "Task force" means the Border Protection Task
3 Force established under this chapter.

4 Sec. 425.002. BORDER SECURITY ADVISORY COUNCIL TO RECOMMEND
5 STATE AGENCY FOR BORDER PROTECTION TASK FORCE. (a) The Border
6 Security Advisory Council established under Section 421.0425 shall
7 provide to the governor a list of recommendations for the state
8 agency that will establish the Border Protection Task Force.

9 (b) The governor shall select from the list under Subsection
10 (a) the state agency that will establish the Border Protection Task
11 Force.

12 Sec. 425.003. BORDER PROTECTION TASK FORCE ESTABLISHED.
13 (a) The governing body of the state agency selected under Section
14 425.002 shall establish the Border Protection Task Force as a
15 division within the agency to provide cross-functional expertise to
16 border protection operations and improve efficiency and
17 effectiveness of the border protection operations of the state
18 agencies and political subdivisions of this state.

19 (b) The governing body shall appoint, with the approval of
20 the governor, a chief of the task force.

21 (c) The chief serves at the will of the governing body.

22 Sec. 425.004. TERM OF AUTHORIZATION. (a) The task force is
23 subject to appropriations from the legislature and continues in
24 existence until September 1, 2031, unless reauthorized by the
25 legislature.

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

27 Sec. 425.005. HEADQUARTERS; REGIONAL OFFICES. The task

1 force must be headquartered in the border region. The task force may
2 establish regional offices along the Texas-Mexico border.

3 Sec. 425.006. CONSOLIDATION OF STATE AGENCY BORDER
4 OPERATIONS. (a) The chief shall identify resources the task force
5 needs to conduct border protection operations, including
6 personnel, equipment, and facilities owned or controlled by state
7 agencies that conduct border protection operations under Operation
8 Lone Star. The chief may identify any resources dedicated to border
9 security that are owned or controlled by:

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

26 (b) Each state agency that owns or controls resources
27 identified under Subsection (a) shall by written agreement with the

1 task force dedicate those resources to the task force and its
2 duties.

3 Sec. 425.007. REIMBURSEMENT FOR STATE USE OF LOCAL
4 GOVERNMENT RESOURCES. (a) The chief shall identify resources the
5 task force needs to conduct border protection operations, including
6 personnel, equipment, and facilities owned or controlled by local
7 governments that conduct border protection operations along the
8 Texas-Mexico border.

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

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

17 Sec. 425.008. GIFTS, GRANTS, AND DONATIONS. The task force
18 may accept gifts, grants, and donations from any source, including
19 private and nonprofit organizations, for the purposes of
20 implementing this chapter.

21 Sec. 425.009. FEDERAL AND LOCAL COOPERATION. The task
22 force shall coordinate with any federal agency or any local
23 government as necessary to carry out the duties of the task force.

24 SUBCHAPTER B. POWERS AND DUTIES

25 Sec. 425.051. GENERAL POWERS AND DUTIES OF CHIEF; RULES.

26 (a) The chief shall:

27 (1) formulate plans and policies for the protection of

1 the citizens of this state in the Texas-Mexico border region,
2 including the air, maritime, and land borders of this state;

3 (2) organize the task force and supervise its
4 operation;

5 (3) maintain records of all task force proceedings and
6 official orders; and

7 (4) biennially submit a report of the task force's
8 operations to the governor and legislature.

9 (b) The chief is directly responsible to the governing body
10 for the conduct of the task force and shall act as the chief
11 administrative officer of the task force.

12 (c) The chief, with the approval of the governing body, may
13 adopt rules necessary to carry out the duties of the task force,
14 including rules for procuring equipment and facilities, providing
15 training, and adopting policies governing the personnel of the task
16 force.

17 Sec. 425.052. OPERATIONAL PLAN TO COORDINATE BORDER
18 PROTECTION. (a) The chief or the chief's designee shall develop and
19 recommend to the governor, the legislature, and the governing body
20 a strategic plan that establishes the framework for the budgeting
21 and operations of the task force, including homeland security
22 strategies, to be administered by the task force and state agencies
23 that provide assistance to the task force.

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

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

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

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

3 (c) The chief shall annually report to the governor, the
4 legislature, and the governing body on the implementation of the
5 strategic plan.

6 Sec. 425.053. DEPUTY CHIEFS. The chief, with the approval
7 of the governing body, may appoint deputy chiefs and regional
8 commanders to oversee the regional offices authorized by Section
9 425.005.

10 Sec. 425.054. OFFICERS AND OTHER EMPLOYEES. (a) The chief
11 may commission, with the approval of the governing body, officers
12 of the task force as peace officers.

13 (b) The chief may hire any employees as necessary to carry
14 out the duties of the task force.

15 Sec. 425.055. QUALIFICATIONS. (a) To be a commissioned
16 officer of the task force, a person must hold or obtain a peace
17 officer license under Chapter 1701, Occupations Code.

18 (b) To be a noncommissioned officer of the task force, a
19 person must meet the qualifications set by the chief by rule.

20 (c) The chief may provide by rule for the qualifications of
21 any other employees of the task force.

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

26 Sec. 425.056. TRAINING. The task force shall acquire
27 equipment and facilities and conduct training necessary to carry

1 out the operational, intelligence, communication, logistics, and
2 administrative duties of the task force, including land, air, and
3 maritime responsibilities. The task force shall conduct the
4 training in the border region.

5 Sec. 425.057. AUTHORITY OF DEDICATED PERSONNEL. (a) A
6 person dedicated to the task force and its duties under Section
7 425.006 or 425.007 retains the authority of the office held by the
8 person with the dedicating state agency or local government and may
9 exercise any powers granted to the task force under this chapter
10 with the approval of the chief.

11 (b) The governing body, with the approval of the governor,
12 may assign the person additional duties consistent with the duties
13 of the task force under this chapter.

14 Sec. 425.058. USE OF DEDICATED PROPERTY. Any property,
15 including equipment or facilities, dedicated to the task force and
16 its duties under Section 425.006 or 425.007 may be used for the
17 purposes of the dedicating state agency or local government or the
18 purposes of the task force.

19 ARTICLE 3. EFFECTIVE DATE

20 SECTION 3.01. This Act takes effect immediately if it
21 receives a vote of two-thirds of all the members elected to each
22 house, as provided by Section 39, Article III, Texas Constitution.
23 If this Act does not receive the vote necessary for immediate
24 effect, this Act takes effect September 1, 2023.