

## **BILL ANALYSIS**

Senate Research Center

S.B. 36  
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Border Security  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 36 seeks to strengthen Texas's capacity to manage homeland security issues—particularly in border security, critical infrastructure protection, and preparedness—by formally establishing a Homeland Security Division within the Department of Public Safety of the State of Texas (DPS). This bill addresses the ongoing challenges of coordinating large-scale security operations among multiple agencies, jurisdictions, and private partners. Presently, these responsibilities are shared informally among various divisions within DPS and across numerous state and local entities, sometimes leading to overlapping duties, inconsistent policy guidance, and less efficient resource allocation.

Under current law, DPS enforces public safety laws and provides for crime prevention and detection with multiple divisions (such as the Texas Rangers and the Texas Highway Patrol). However, there is no single division dedicated solely to planning, coordinating, and overseeing statewide homeland security activities.

S.B. 36 fills this gap by establishing a Homeland Security Division with a clearly defined leadership structure—chief, deputy chiefs, and staff—who are expressly tasked with enhancing the state's security and resilience through planning, intelligence gathering, and cross-agency coordination.

Furthermore, S.B. 36 provides comprehensive authority for the new division to coordinate border security operations, manage intelligence centers, develop homeland security plans, and protect critical infrastructure. It details procedures for assessing and reporting on threats, organizing large-scale exercises, studying emerging technologies, and offering counsel to other state agencies on budgetary and policy matters. By creating a singular point of responsibility within DPS, the legislation aims to minimize duplication of efforts, ensure consistent standards for security preparedness, and heighten responsiveness to emergencies and disasters.

(Original Author's/Sponsor's Statement of Intent)

S.B. 36 amends current law relating to the homeland security activities of certain entities, including the establishment and operations of the Homeland Security Division in the Department of Public Safety.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 411.002(a), Government Code, to provide that the Department of Public Safety of the State of Texas (DPS) is composed of certain entities, including the Homeland Security Division (division).

SECTION 2. Amends Chapter 411, Government Code, by adding Subchapter S, as follows:

#### **SUBCHAPTER S. HOMELAND SECURITY DIVISION**

Sec. 411.551. DEFINITIONS. Defines "chief," "division," "local government," and "state agency."

Sec. 411.552. HOMELAND SECURITY DIVISION; CHIEF. (a) Provides that the Homeland Security Division is established in DPS to lead multi-agency, multi-jurisdictional, and public-private efforts to enhance law enforcement initiatives and operations in support of homeland security objectives in this state.

(b) Provides that the public safety director (director) is required to appoint the chief of the division (chief) with the consent of the Public Safety Commission (commission).

(c) Provides that the chief acts as the chief administrative officer of the division and is under the supervision and direction of the director, and to the extent the director determines, a deputy director of DPS.

Sec. 411.553. DEPUTY CHIEFS AND OTHER EMPLOYEES; DELEGATION. (a) Authorizes the chief to employ deputy chiefs and other employees as necessary to perform the duties or exercise the powers of the division or perform any duty or exercise any power of DPS assigned to the division.

(b) Authorizes the chief to delegate any power or duty assigned to the division or chief unless prohibited by statute or rule.

Sec. 411.554. BORDER SECURITY: PLANNING AND COORDINATION. (a) Requires the division, in collaboration with any other person who by law performs similar duties, to provide the strategic and operational planning for border security operations of this state and support the border security operations of this state by coordinating the law enforcement efforts of federal and state agencies, local governments, and private organizations and by ensuring clarity and alignment on the law enforcement priorities and responsibilities of each stakeholder.

(b) Requires the division to assist as necessary DPS, including each DPS region, with DPS's tactical planning of border security operations. Requires the division to produce intelligence and similar reports as necessary to provide the assistance required by this subsection.

Sec. 411.555. BORDER SECURITY: INTELLIGENCE. (a) Requires the division to coordinate the collection, dissemination, and analysis of intelligence for this state's border security operations and to operate intelligence centers dedicated to this purpose.

(b) Requires the division to establish policies and procedures relating to the collection and management of intelligence, including establishing collection priorities and assigning the management responsibilities, for state agencies, local governments, and any private organizations participating in border security operations.

(c) Requires the division, with respect to the border security operations of this state, to analyze and assess collected intelligence to produce information bulletins and other similar reports considered advisable.

(d) Requires the division to manage the program for the installation and monitoring of cameras and surveillance equipment along the Texas-Mexico border, known as Operation Drawbridge.

Sec. 411.556. HOMELAND SECURITY PLANNING AND PREPAREDNESS. (a) Requires the division, in collaboration with any other person who by law performs similar duties, to:

(1) regularly develop a comprehensive homeland security strategic plan for this state;

(2) plan and facilitate homeland security exercises in coordination with the Texas Division of Emergency Management and other state agencies, federal agencies, local governments, and any participating private organizations;

(3) develop operational and tactical plans for significant law enforcement emergencies or contingencies, including assisting each DPS region with developing plans specific to the needs of that region;

(4) conduct assessments of the risks and hazards posed to this state by criminal actors and organizations and the capabilities of state and local stakeholders to respond to the occurrence of those risks and hazards, including by coordinating the annual completion by state agencies and local governments of certain federal assessments;

(5) establish certain programs for regular outreach to and information sharing among public and private organizations regarding threats by criminal actors and organizations;

(6) assist state agencies and local governments in complying with restrictions under federal law on commerce with certain entities.

(b) Requires the division to develop any additional assessment for risks and hazards posed by criminal actors and organizations the division considers necessary and include in the strategic plan required by Subsection (a)(1) recommendations to mitigate those risks and hazards.

(c) Authorizes the division to administer, or assist DPS in administering, an internship program for students and other interested persons to participate in the operations of the division, or DPS, as appropriate.

Sec. 411.557. PLANNING FOR PHYSICAL PROTECTION OF CRITICAL INFRASTRUCTURE. (a) Requires the division to coordinate multi-agency, multi-jurisdictional, and public-private efforts to protect the critical infrastructure in this state from criminal actors and organizations. Requires the division, within the 16 critical infrastructure sectors identified by National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22) issued by the president of the United States, to prioritize the division's efforts in ensuring the physical protection of critical infrastructure in certain sectors.

(b) Authorizes the division, with respect to potential threats to the critical infrastructure in this state, to analyze and assess collected intelligence to produce information bulletins and other similar reports considered advisable.

(c) Requires the division to develop a system to identify and categorize critical infrastructure in this state for the purpose of facilitating initiatives to protect the critical infrastructure from criminal actors and organizations, including for facilitating any risk assessment of critical infrastructure assets or systems in this state and identifying any dependency or interdependency among those assets or systems.

(d) Requires the division to conduct exercises to enhance public-private coordination in protecting the critical infrastructure of this state from criminal actors and organizations.

(e) Requires the division, during any disaster, as that term is defined by Section 418.004 (Definitions), to provide support to the state operations center described by Section 418.041(e).

Sec. 411.558. INFRASTRUCTURE LIAISON OFFICER PROGRAM. (a) Requires the division to operate a program to train volunteers from public and private organizations to collect or receive intelligence information related to threats to critical infrastructure and properly identify threats to critical infrastructure and report those threats to DPS.

(b) Authorizes the division to set reasonable eligibility requirements for the program.

Sec. 411.559. WORK GROUPS; STUDY OF TECHNOLOGIES. (a) Authorizes the division to establish and appoint members to one or more work groups to:

(1) study any issue related to the division's duties or the law enforcement initiatives or operations of this state; and

(2) advise or produce written reports on an issue studied under Subdivision (1).

(b) Authorizes a work group established under this section to be composed of representatives from state and federal agencies, local governments, and private organizations. Authorizes the division to provide administrative support for any work group established under this section.

(c) Requires the division, in collaboration with any person who by law performs similar duties, to establish or operate work groups to study methods or technologies to enhance the border security operations of this state and the security of the critical infrastructure of this state, including any task force established to survey the vulnerabilities of state government, local governments, and critical infrastructure.

Sec. 411.560. RESEARCH. (a) Requires the division to annually propose to the commission the research priorities and a research agenda for DPS.

(b) Requires the division to coordinate with institutions of higher education, as defined by Section 61.003 (Definitions), Education Code, to enhance the research capabilities of the institutions and DPS by sharing information and aligning priorities.

(c) Requires the division to research new technologies to enhance the law enforcement initiatives and operations conducted by this state, including any border security operation conducted by a state agency, local government, or private organization.

Sec. 411.561. COUNSEL AND BUDGETING. (a) Defines "homeland security activity."

(b) Requires the division, on request, to provide subject matter expertise and counsel to a state agency or local government regarding the state's border security operations and critical infrastructure protection initiatives, including related grant programs, legislation, risk management assessments, and other initiatives.

(c) Requires the division to confer with each state agency involved in any homeland security activity before each legislative session regarding the portion of the state agency's budget request that finances the agency's homeland security activities. Requires the division to coordinate with the state agencies to eliminate unnecessary redundancies and increase the efficiency of state agency efforts in conducting homeland security activities.

Sec. 411.562. WEBSITE AND REPORTS. Requires the division to maintain a publicly accessible Internet website and publish assessments and other reports produced by the division that are not excepted from disclosure under Section 552.021 (Availability of Public Information) and not confidential.

Sec. 411.563. SENSITIVE INFORMATION PROVIDED BY PRIVATE ORGANIZATIONS. (a) Provides that, if in performing any duty or exercising any authority under this subchapter the division or a work group or task force of the division is provided information by a private organization that the private organization considers highly sensitive, proprietary, or otherwise confidential and the private organization notifies in writing the division, work group, or task force of that fact, the information is not public information for purposes of Chapter 552 (Public Information), and is excepted from the requirements of Section 552.021 and the division or applicable work group or task force is required to secure the information in the same manner as the private organization secures the information and is prohibited from further disclosing the information without the consent of the private organization.

(b) Requires the division or applicable work group or task force, if the division or a work group or task force of the division is required to disclose information described by Subsection (a) to comply with applicable state or federal law or a court order, to the extent practicable, not later than the fifth business day before the date the information is disclosed, to notify the private organization that provided the information of the required disclosure and disclose the information in the same condition as the division or applicable work group or task force received the information, including providing any labels or other markings that were originally provided with the information.

SECTION 3. Amends Section 421.024, Government Code, to require the Homeland Security Council, in collaboration with the division, to advise the governor on certain matters.

SECTION 4. Amends Section 421.045, Government Code, to require each permanent special advisory committee created under Subchapter B-1 (Permanent Special Advisory Committees), in collaboration with the division, to advise the governor on certain matters.

SECTION 5. (a) Defines "department" and "transferring agency."

(b) Requires DPS, as soon as practicable after the effective date of this Act, to:

(1) transfer the management and operations of the Border Security Operations Center and the Joint Operations and Intelligence Centers to the division; and

(2) enter into a written agreement with any other state agency that, before the effective date of this Act, is involved in the management or operations of the centers described by Subdivision (1) of this subsection for the transfer of the management and operations of those centers to the division, including any land, facilities, equipment, and other property involved in the operations of the centers.

(c) Requires that the written agreement required by Subsection (b)(2) of this section specify an effective date for the transfer.

(d) Provides that any rules, policies, procedures, decisions, and forms of a transferring agency that relate to the management or operations of a center in effect on the effective date of the transfer remain in effect until changed by DPS.

(e) Provides that all money, contracts, leases, property, software source code and documentation, records, and obligations of a transferring agency that relate to the management or operations of a center are transferred to DPS on the effective date of the transfer.

(f) Provides that the unexpended and unobligated balance of any money appropriated by the legislature relating to a center transferred under this Act is transferred to DPS on the effective date of the transfer of the center.

(g) Requires a transferring agency to provide DPS with access to any systems, facilities, or information necessary for DPS to accept the management and operations of a center transferred under this Act.

(h) Provides that, on the effective date of the transfer, all full-time equivalent employee positions at the transferring agency that concern the management or operations of a center being transferred become positions at DPS. Provides that DPS is required to post the positions for hiring and, when filling the positions, is required to give consideration to, but is not required to hire, an applicant who, immediately before the date of the transfer, was an employee at a transferring agency.

SECTION 6. Effective date: September 1, 2025.