

1-1 By: Birdwell S.B. No. 8
 1-2 (In the Senate - Filed May 31, 2023; June 2, 2023, read
 1-3 first time and referred to Committee on Border Security;
 1-4 June 6, 2023, reported favorably by the following vote: Yeas 3,
 1-5 Nays 2; June 6, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Birdwell	X			
1-8 Flores	X			
1-9 Blanco		X		
1-10 Hinojosa		X		
1-11 King	X			

1-13 A BILL TO BE ENTITLED
 1-14 AN ACT

1-15 relating to measures to address public safety threats in this state
 1-16 presented by transnational criminal activity, including by
 1-17 establishing a Texas Border Force and making funds available to
 1-18 certain governmental entities.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 ARTICLE 1. TEXAS BORDER FORCE; DEPARTMENT OF PUBLIC SAFETY BORDER
 1-21 SECURITY FUNCTIONS

1-22 SECTION 1.01. Section 411.0043, Government Code, is amended
 1-23 by amending Subsection (a) and adding Subsection (c) to read as
 1-24 follows:

1-25 (a) The commission shall implement a policy requiring the
 1-26 department to use appropriate technological solutions to improve
 1-27 the department's ability to perform its functions. The policy must
 1-28 ensure that:

1-29 (1) the public is able to interact with the department
 1-30 on the Internet; and

1-31 (2) the department's capability to conduct border
 1-32 security operations and similar functions is not impeded by the use
 1-33 of obsolete or outdated technologies.

1-34 (c) The department shall periodically review emerging
 1-35 technologies that may be deployed for border security operations,
 1-36 including technologies and equipment described by Section
 1-37 411.0285, to ensure the department consistently adopts innovative
 1-38 technologies and solutions for those operations.

1-39 SECTION 1.02. Chapter 411, Government Code, is amended by
 1-40 adding Subchapter B-2 to read as follows:

1-41 SUBCHAPTER B-2. TEXAS BORDER FORCE

1-42 Sec. 411.0281. DEFINITION. In this subchapter, "border
 1-43 force" means the Texas Border Force established under this
 1-44 subchapter.

1-45 Sec. 411.0282. TEXAS BORDER FORCE; CHIEF. (a) The Texas
 1-46 Border Force is established in the Texas Rangers division of the
 1-47 department.

1-48 (b) The chief of the Texas Rangers is the chief of the border
 1-49 force.

1-50 Sec. 411.0283. BORDER OPERATIONS. (a) The border force may
 1-51 conduct border security operations along the Texas-Mexico border,
 1-52 including:

1-53 (1) law enforcement operations;

1-54 (2) intelligence gathering, analysis, and
 1-55 dissemination;

1-56 (3) coordination and command of state agencies in
 1-57 border security operations led by the border force;

1-58 (4) surveillance and detection of criminal activity,
 1-59 including improper entry of individuals from foreign nations and
 1-60 the smuggling of individuals and controlled substances, using
 1-61 cameras, unmanned aircraft, and other technologies;

1-62 (5) interdiction of individuals committing criminal

2-1 activity described by Subdivision (4);
 2-2 (6) coordination of local, state, and federal agencies
 2-3 conducting border security operations, including tactical
 2-4 operations such as special response teams, brush teams, and special
 2-5 weapons and tactics teams; and

2-6 (7) training and education programs for the
 2-7 professional development of employees and agency partners carrying
 2-8 out border security operations.

2-9 (b) Only commissioned officers of the border force may carry
 2-10 out the duties assigned to a commissioned peace officer. An
 2-11 employee of the border force who is not a commissioned peace officer
 2-12 may:

2-13 (1) act in support of a commissioned peace officer;
 2-14 and

2-15 (2) engage in support and infrastructure operations of
 2-16 the border force.

2-17 Sec. 411.0284. ASSIGNMENT OF TEXAS MILITARY FORCES SERVICE
 2-18 MEMBERS. (a) In this section, "Texas military forces" has the
 2-19 meaning assigned by Section 437.001.

2-20 (b) The department, at the request of the chief of the
 2-21 border force, may enter into a written agreement with the Texas
 2-22 Military Department for the assignment of service members of the
 2-23 Texas military forces to the border force. The agreement may
 2-24 provide for reimbursement by the department for hiring, training,
 2-25 salary, and employee benefit costs incurred by the Texas military
 2-26 forces in connection with service members assigned to the border
 2-27 force.

2-28 Sec. 411.0285. PURCHASE AND DEPLOYMENT OF CERTAIN
 2-29 TECHNOLOGY AND EQUIPMENT. (a) The department, at the request of
 2-30 the chief of the border force, shall purchase and deploy technology
 2-31 and equipment to enhance the border force's ability to detect and
 2-32 suppress criminal activity along the Texas-Mexico border,
 2-33 including:

2-34 (1) stacked razor wire barriers;

2-35 (2) buoy barriers; and

2-36 (3) surveillance and detection technology to be
 2-37 deployed at and near each port of entry along the Texas-Mexico
 2-38 border to detect and deter the improper entry of individuals from
 2-39 foreign nations and the smuggling of individuals and controlled
 2-40 substances, such as fentanyl, cocaine, heroin, and
 2-41 methamphetamine.

2-42 (b) The surveillance and detection technology described by
 2-43 Subsection (a)(3) may be used to inspect passenger and commercial
 2-44 vehicles passing through a port of entry or traveling in any
 2-45 direction within 30 miles of a port of entry.

2-46 (c) The department shall employ a sufficient number of
 2-47 commercial vehicle inspectors to inspect vehicles using technology
 2-48 described by Subsection (a)(3).

2-49 (d) Funds used to purchase technology and equipment
 2-50 described by Subsection (a) are considered funds expended for
 2-51 border security for purposes of reporting requirements in the
 2-52 General Appropriations Act, and the Legislative Budget Board may
 2-53 prescribe the form and manner of reporting the relevant budgeted
 2-54 and expended amounts and performance indicator results.

2-55 Sec. 411.0286. HIRING OFFICERS WITH PREVIOUS BORDER PATROL
 2-56 OR MILITARY EXPERIENCE. Notwithstanding any other provision of
 2-57 law, the department may, at the time an officer is hired for the
 2-58 border force, elect to credit up to four years of experience as a
 2-59 Border Patrol Agent of the United States Customs and Border
 2-60 Protection or a member of the armed forces of the United States for
 2-61 the purpose of calculating the officer's salary under Schedule C.
 2-62 All officers are subject to a one-year probationary period under
 2-63 Section 411.007(g) notwithstanding the officer's rank or salary
 2-64 classification.

2-65 Sec. 411.0287. INCREASED STAFFING; CERTAIN TRAINING. (a)
 2-66 The border force may as necessary to conduct border security
 2-67 operations and ensure the safety of the public along the
 2-68 Texas-Mexico border:

2-69 (1) recruit, employ, and train officers and other

3-1 staff; and
 3-2 (2) contract for additional officers and staff to meet
 3-3 an increased need for border security operations.

3-4 (b) The border force shall expand programs for training
 3-5 officers to serve as members of a brush team.

3-6 Sec. 411.0288. REPORTS. At least once each calendar
 3-7 quarter and at other times determined necessary by the governor or
 3-8 the chief of the border force, the chief of the border force shall
 3-9 submit a report to the governor containing information requested by
 3-10 the governor concerning the border force's operations.

3-11 Sec. 411.0289. NO LIMITATION ON BORDER FORCE AUTHORITY BY
 3-12 LOCAL GOVERNMENTS. A political subdivision, including a
 3-13 municipality, county, or special purpose district, may not by any
 3-14 means limit the jurisdiction or authority of the border force.

3-15 SECTION 1.03. Subchapter C, Chapter 2155, Government Code,
 3-16 is amended by adding Section 2155.151 to read as follows:

3-17 Sec. 2155.151. CERTAIN PURCHASES BY DEPARTMENT OF PUBLIC
 3-18 SAFETY. (a) The Department of Public Safety is delegated all
 3-19 purchasing functions relating to the purchase of technologies and
 3-20 equipment for use in border security operations, including
 3-21 technology and equipment described by Section 411.0285, to ensure
 3-22 the department consistently adopts innovative technologies and
 3-23 solutions for those operations.

3-24 (b) The Department of Public Safety shall acquire goods and
 3-25 services under Subsection (a) by any procurement method that
 3-26 provides the best value to the department. The Department of Public
 3-27 Safety shall consider the best value standards listed in Section
 3-28 2155.074.

3-29 (c) At the request of the Department of Public Safety, the
 3-30 comptroller or the Department of Information Resources, as
 3-31 appropriate, shall procure goods and services described by
 3-32 Subsection (a) for the Department of Public Safety. The Department
 3-33 of Public Safety may use the services of the comptroller or the
 3-34 Department of Information Resources in procuring goods and services
 3-35 described by Subsection (a).

3-36 SECTION 1.04. (a) In reviewing emerging technologies under
 3-37 Section 411.0043(c), Government Code, as added by this article, the
 3-38 Department of Public Safety shall hold a technology fair at which
 3-39 vendors of emerging technology that may be used for conducting
 3-40 border security operations demonstrate the capabilities of the
 3-41 products.

3-42 (b) The event required by Subsection (a) of this section
 3-43 must be held not later than September 1, 2024.

3-44 ARTICLE 2. INTERAGENCY WORK GROUP ON BORDER ISSUES

3-45 SECTION 2.01. Sections 772.011(a) and (b), Government Code,
 3-46 are amended to read as follows:

3-47 (a) An interagency work group is created to:

3-48 (1) develop or update a process to allow agencies to
 3-49 work together on issues that face border communities;

3-50 (2) discuss and coordinate programs and services
 3-51 offered to border communities and residents of border communities;
 3-52 [and]

3-53 (3) develop regulatory and legislative
 3-54 recommendations to eliminate duplication and combine program
 3-55 services;

3-56 (4) identify and anticipate challenges and threats to
 3-57 agencies' operations along the Texas-Mexico border;

3-58 (5) develop solutions to overcome the challenges and
 3-59 threats described by Subdivision (4); and

3-60 (6) identify strategic opportunities agencies may use
 3-61 to enhance the capabilities and effectiveness of their roles in
 3-62 this state's operations along the Texas-Mexico border.

3-63 (b) The work group is composed of:

3-64 (1) the chair of the standing substantive committee of
 3-65 the senate with primary jurisdiction over border security, or the
 3-66 chair's designee;

3-67 (2) the chair of the standing substantive committee of
 3-68 the house of representatives with primary jurisdiction over border
 3-69 security, or the chair's designee; and

- 4-1 (3) the heads of the following agencies or their
- 4-2 designees:
- 4-3 (A) [~~(1)~~] the Texas Department of Rural Affairs;
- 4-4 (B) [~~(2)~~] the Texas Department of Housing and
- 4-5 Community Affairs;
- 4-6 (C) [~~(3)~~] the Texas Water Development Board;
- 4-7 (D) [~~(4)~~] the Texas Department of
- 4-8 Transportation;
- 4-9 (E) [~~(5)~~] the Texas Commission on Environmental
- 4-10 Quality;
- 4-11 (F) [~~(6)~~] the Texas Workforce Commission;
- 4-12 (G) [~~(7)~~] the Department of State Health
- 4-13 Services;
- 4-14 (H) [~~(8)~~] the Health and Human Services
- 4-15 Commission;
- 4-16 (I) [~~(9)~~] the General Land Office;
- 4-17 (J) [~~(10)~~] the Texas Economic Development and
- 4-18 Tourism Office;
- 4-19 (K) [~~(11)~~] the Office of State-Federal
- 4-20 Relations;
- 4-21 (L) [~~(12)~~] the Texas Higher Education
- 4-22 Coordinating Board;
- 4-23 (M) [~~(13)~~] the attorney general's office;
- 4-24 (N) [~~(14)~~] the secretary of state's office;
- 4-25 (O) [~~(15)~~] the Department of Public Safety;
- 4-26 [~~and~~]
- 4-27 (P) [~~(16)~~] the Railroad Commission of Texas;
- 4-28 (Q) the Texas Division of Emergency Management;
- 4-29 (R) the Texas Alcoholic Beverage Commission; and
- 4-30 (S) the Texas Military Department.

ARTICLE 3. FINANCIAL ASSISTANCE FOR INFRASTRUCTURE, FACILITIES, EQUIPMENT, AND SERVICES IN THE BORDER REGION

SECTION 3.01. Chapter 421, Government Code, is amended by adding Subchapter G to read as follows:

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

Sec. 421.111. DEFINITIONS. In this subchapter:

- 4-37 (1) "Border region" has the meaning assigned by
- 4-38 Section 772.0071.
- 4-39 (2) "Local government" means a municipality or county.
- 4-40 (3) "Office" means the trusted programs within the
- 4-41 office of the governor.

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

- 4-47 (1) the construction and maintenance of facilities
- 4-48 related to prosecuting and adjudicating offenses committed in the
- 4-49 border region, including court facilities, processing facilities,
- 4-50 detention facilities, criminal justice centers, and other similar
- 4-51 facilities;
- 4-52 (2) the construction of improvements to an area in the
- 4-53 immediate vicinity of a port of entry to enhance vehicle inspection
- 4-54 capabilities and assist in the investigation, interdiction, and
- 4-55 prosecution of persons smuggling individuals or contraband across
- 4-56 the Texas-Mexico border;
- 4-57 (3) the payment of staff salaries and benefits and the
- 4-58 payment of operational expenses related to providing law
- 4-59 enforcement services, emergency services, detention services, and
- 4-60 court administration services;
- 4-61 (4) the construction and maintenance of temporary
- 4-62 border security infrastructure, including temporary walls,
- 4-63 barriers, fences, wires, trenches, surveillance technology, or
- 4-64 other improvements, designed or adapted to surveil or impede the
- 4-65 movement of persons or objects across the Texas-Mexico border at
- 4-66 locations other than ports of entry; and
- 4-67 (5) any other activity that the office determines
- 4-68 necessary to address offenses that are committed in the border
- 4-69 region or are related to transnational criminal activity.

5-1 Sec. 421.113. ADMINISTRATIVE COSTS. Unless otherwise
5-2 provided by the appropriation, the office may use a reasonable
5-3 amount, not to exceed five percent, of any funds appropriated for
5-4 purposes of this subchapter to pay the costs of administering this
5-5 subchapter.

5-6 ARTICLE 4. BORDER PROTECTION AGREEMENTS

5-7 SECTION 4.01. Title 7, Government Code, is amended by
5-8 adding Chapter 795 to read as follows:

5-9 CHAPTER 795. BORDER PROTECTION AGREEMENTS WITH UNITED MEXICAN
5-10 STATES

5-11 Sec. 795.001. AUTHORITY FOR AGREEMENTS. On behalf of this
5-12 state, the governor may coordinate, develop, and execute agreements
5-13 with the United Mexican States and the states of the United Mexican
5-14 States regarding the authority of this state to protect and defend
5-15 its citizens.

5-16 ARTICLE 5. SEVERABILITY; EFFECTIVE DATE

5-17 SECTION 5.01. It is the intent of the legislature that every
5-18 provision, section, subsection, sentence, clause, phrase, or word
5-19 in this Act, and every application of the provisions in this Act to
5-20 every person, group of persons, or circumstances, is severable from
5-21 each other. If any application of any provision in this Act to any
5-22 person, group of persons, or circumstances is found by a court to be
5-23 invalid for any reason, the remaining applications of that
5-24 provision to all other persons and circumstances shall be severed
5-25 and may not be affected.

5-26 SECTION 5.02. This Act takes effect on the 91st day after
5-27 the last day of the legislative session.

5-28 * * * * *