

1-1 By: Parker, Hagenbuch S.B. No. 36
1-2 (In the Senate - Filed March 13, 2025; March 17, 2025, read
1-3 first time and referred to Committee on Border Security;
1-4 April 7, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 7, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Birdwell	X			
1-10	Flores	X			
1-11	Eckhardt	X			
1-12	Hinojosa of Nueces	X			
1-13	Hinojosa of Hidalgo	X			

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 36 By: Hinojosa of Nueces

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the homeland security activities of certain entities,
1-18 including the establishment and operations of the Homeland Security
1-19 Division in the Department of Public Safety.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Section 411.002(a), Government Code, is amended
1-22 to read as follows:

1-23 (a) The Department of Public Safety of the State of Texas is
1-24 an agency of the state to enforce the laws protecting the public
1-25 safety and provide for the prevention and detection of crime. The
1-26 department is composed of the Texas Rangers, the Homeland Security
1-27 Division, the Texas Highway Patrol, the administrative division,
1-28 and other divisions that the commission considers necessary.

1-29 SECTION 2. Chapter 411, Government Code, is amended by
1-30 adding Subchapter S to read as follows:

1-31 SUBCHAPTER S. HOMELAND SECURITY DIVISION

1-32 Sec. 411.551. DEFINITIONS. In this subchapter:

1-33 (1) "Chief" means the chief of the division appointed
1-34 under Section 411.552.

1-35 (2) "Division" means the Homeland Security Division of
1-36 the department established under this subchapter.

1-37 (3) "Local government" means any municipality,
1-38 county, special-purpose district or authority, or other political
1-39 subdivision of this state.

1-40 (4) "State agency" means a board, commission, council,
1-41 committee, department, office, agency, or other governmental
1-42 entity in the executive, legislative, or judicial branch of state
1-43 government. The term includes an institution of higher education
1-44 as defined by Section 61.003, Education Code.

1-45 Sec. 411.552. HOMELAND SECURITY DIVISION; CHIEF. (a) The
1-46 Homeland Security Division is established in the department to lead
1-47 multi-agency, multi-jurisdictional, and public-private efforts to
1-48 enhance law enforcement initiatives and operations in support of
1-49 homeland security objectives in this state.

1-50 (b) The director shall appoint the chief with the consent of
1-51 the commission.

1-52 (c) The chief acts as the chief administrative officer of
1-53 the division and is under the supervision and direction of the
1-54 director, and to the extent the director determines, a deputy
1-55 director of the department.

1-56 Sec. 411.553. DEPUTY CHIEFS AND OTHER EMPLOYEES;
1-57 DELEGATION. (a) The chief may employ deputy chiefs and other
1-58 employees as necessary to perform the duties or exercise the powers
1-59 of the division or perform any duty or exercise any power of the
1-60 department assigned to the division.

(b) The chief may 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) The division shall, in collaboration with any other person who by law performs similar duties:

(1) provide the strategic and operational planning for border security operations of this state; and

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

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

(b) The division shall 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) With respect to the border security operations of this state, the division shall analyze and assess collected intelligence to produce information bulletins and other similar reports considered advisable.

(d) The division shall 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) The division shall, in collaboration with any other person who by law performs similar duties:

(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 department region with developing plans specific to the needs of that region;

(4) conduct assessments of:

(A) the risks and hazards posed to this state by criminal actors and organizations; and

(B) 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 the following federal assessments:

(i) the Threat and Hazard Identification and Risk Assessment; and

(ii) the Stakeholder Preparedness Review;

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

(A) coordinating the Bomb-Making Materials Awareness Program and similar programs; and

(B) ensuring private industry organizations are aware of:

(i) criminal threats to critical infrastructure, such as espionage and sabotage operations;

(ii) best practices for protecting critical

infrastructure from criminal actors and organizations; and
 (iii) available law enforcement resources
 to assist in protecting critical infrastructure from criminal
 actors and organizations and responding to those threats; and

(6) assist state agencies and local governments in
 complying with restrictions under federal law on commerce with
 certain entities, including any entity:

(A) listed in Supplement No. 4 to 15 C.F.R. Part
 744;

(B) identified as a Chinese military company by
 the United States Secretary of Defense in accordance with Section
 1260H of the National Defense Authorization Act for Fiscal Year
 2021 (Pub. L. 116-283); or

(C) restricted under any similar sanction
 program under federal law.

(b) The division shall 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) The division may administer, or assist the department in
 administering, an internship program for students and other
 interested persons to participate in the operations of the
 division, or the department, as appropriate.

Sec. 411.557. PLANNING FOR PHYSICAL PROTECTION OF CRITICAL
 INFRASTRUCTURE. (a) The division shall coordinate multi-agency,
 multi-jurisdictional, and public-private efforts to protect the
 critical infrastructure in this state from criminal actors and
 organizations. 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, the division shall prioritize the
 division's efforts in ensuring the physical protection of critical
 infrastructure in the following sectors:

- (1) energy;
- (2) communications;
- (3) transportation systems; and
- (4) water and wastewater systems.

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

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

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

Sec. 411.558. INFRASTRUCTURE LIAISON OFFICER PROGRAM. (a)
 The division shall operate a program to train volunteers from
 public and private organizations to:

- (1) collect or receive intelligence information
 related to threats to critical infrastructure; and
- (2) properly identify threats to critical
 infrastructure and report those threats to the department.

(b) The division may set reasonable eligibility
 requirements for the program.

Sec. 411.559. WORK GROUPS; STUDY OF TECHNOLOGIES. (a) The
 division may 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) A work group established under this section may be composed of representatives from state and federal agencies, local governments, and private organizations. The division may provide administrative support for any work group established under this section.

(c) The division shall, in collaboration with any person who by law performs similar duties, 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) The division shall annually propose to the commission the research priorities and a research agenda for the department.

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

(c) The division shall 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) In this section, "homeland security activity" means any activity related to the prevention or discovery of, response to, or recovery from:

- (1) a terrorist attack;
- (2) a hostile military or paramilitary action; or
- (3) an extraordinary law enforcement emergency.

(b) The division shall, on request, 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) The division shall 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. The division shall 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. GRANT AND REIMBURSEMENT PROGRAMS. (a) Notwithstanding any other law establishing a grant or reimbursement program administered by a state agency or local government related to preparedness against terrorist or criminal threats or to border security, the division shall, in collaboration with the governor, set priorities and guidelines for the program, including priorities for intended outcomes and guidelines for assessing the effectiveness of the program.

(b) In setting the priorities and guidelines under Subsection (a), the governor and division shall account for any federal grant money secured and any accompanying restrictions or requirements imposed by the federal agency awarding the grant.

Sec. 411.563. WEBSITE AND REPORTS. The division shall 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 and not confidential.

SECTION 3. Section 421.024, Government Code, is amended to read as follows:

Sec. 421.024. DUTIES. The council shall, in collaboration with the Homeland Security Division of the Department of Public Safety, advise the governor on:

(1) the implementation of the governor's homeland security strategy by state and local agencies and provide specific

suggestions for helping those agencies implement the strategy; and
 (2) other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

SECTION 4. Section 421.045, Government Code, is amended to read as follows:

Sec. 421.045. DUTIES. Each permanent special advisory committee created under this subchapter shall, in collaboration with the Homeland Security Division of the Department of Public Safety, advise the governor on:

(1) the implementation of the governor's homeland security strategy by state and local agencies and provide specific suggestions for helping those agencies implement the strategy;

(2) specific priorities related to the governor's homeland security strategy that the committee determines to be of significant importance to the statewide security of critical infrastructure; and

(3) other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

SECTION 5. (a) In this section:

(1) "Department" means the Department of Public Safety.

(2) "Transferring agency" means a state agency that is required to transfer the management and operations of a center to the department under Subsection (b)(2) of this section.

(b) As soon as practicable after the effective date of this Act, the department shall:

(1) transfer the management and operations of the Border Security Operations Center and the Joint Operations and Intelligence Centers to the Texas Homeland Security Division in the department; 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) The written agreement required by Subsection (b)(2) of this section must specify an effective date for the transfer.

(d) 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 the department.

(e) 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 the department on the effective date of the transfer.

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

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

(h) 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 the department. The department shall post the positions for hiring and, when filling the positions, shall 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. This Act takes effect September 1, 2025.

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