

SUBJECT: Establishing the Border Security Advisory Council and Task Force

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 7 ayes — Hunter, Dean, Geren, Guillen, Metcalf, Slawson, Spiller

3 nays — Hernandez, Anchía, S. Thompson

3 absent — Raymond, Smithee, Turner

WITNESSES: For — Kelly Perry, SREC TFRW Moms For America National Board; Selene Rodriguez, Texas Public Policy Foundation (*Registered, but did not testify*; Sheena Rodriguez, Alliance for a Safe Texas; Charles Maley, South Texans’ Property Rights Association; Melissa Hamilton, Texas & Southwestern Cattle Raisers Association; Rhonda Marquardt; Calvin Tillman)

Against — Roberto Lopez, Texas Civil Rights Project; Sadie Hernandez, Transgender Education Network of Texas; Zachary Kolodny (*Registered, but did not testify*; David Stout, Elisa M. Tamayo, El Paso County; Joanna Vaughn, Friends Meeting of Austin (Quaker); Joaquin Garcia, Carlos Alvarez, Evon Bueno, Blanca Munoz, Nadia Briones, Sergio Trevino, La Union del Pueblo Entero; Nataly Avendano, Mano Amiga; Alexis Bay, Texas Civil Rights Project; Joshua Houston, LyAnna Johnson, Texas Impact; Cynthia Van Maanen, Travis County Democratic Party; Milo Grant, Natalie Webb, University Baptist Church, Austin, TX; Si Hwa, Hyang Sook Rhee, Joshua M. Na, John Kim, Kyou H. Kim (Paul Kim), Dona Murphey, Myoung Soon. Ryoo, Myung J. Kim, Quynh-Huong Nguyen, Hyunja Norman, Steven Wu, Terry Yun, Yun Hwa Lee, Woori Juntos; Sarah Syed, Woori Juntos, NAKASEC; and 22 individuals)

On — Michael Belsick (*Registered, but did not testify*; Steve McCraw, Texas Department of Public Safety; Shawn Hall Lecuona, The Voice of Justice and of Consanguinity; Teresa Weirich)

BACKGROUND: Some have suggested that an advisory committee made up of Texans that

have experience in border policy could help state leaders make more effective and informed decisions on homeland security issues in the state.

DIGEST:

CSHB 3782 would create the Border Security Advisory Council as 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. The council would be composed of:

- the lieutenant governor;
- the speaker of the House;
- four members of the Texas Senate appointed by the lieutenant governor who met certain requirements;
- four members of the Texas House appointed by the speaker of the House who met certain requirements; and
- certain non-voting local authorities in border regions and executive heads of state agencies relating to public safety appointed by the governor or the governor's designee.

The lieutenant governor and the speaker of the House would be joint chairs of the council.

A majority of the voting members of the council would constitute a quorum to transact business. If a quorum was present, the council could act on any matter within its jurisdiction by a majority vote. The council would meet as often as necessary to perform its duties and meetings could be held at any time at the request of either chair. Without regard to the subject or topics considered at a meeting, council members could attend a meeting virtually if both chairs of the council were physically present at the meeting, for purposes of establishing a quorum. The bill would specify requirements for meetings held virtually.

The council would be required to use statistical analyses and other research methods to conduct an in-depth examination of border safety initiatives and programs in this state that included:

- an assessment of the cost-effectiveness of the use of state and local funds in ensuring border safety;
- an identification of critical border safety problems; and
- a determination of the state's long-range border safety needs.

Biennially, the council would be required to submit a report to the Legislature and the governor containing recommendations on:

- strategies to solve critical border safety problems identified by the council;
- policy priorities to address the long-range needs determined by the council; and
- measures based on objective research and analysis to help guide state border safety policies.

The council would advise and assist the Legislature and the governor in developing plans, programs, and proposed legislation to improve the effectiveness of border safety initiatives and programs, including:

- coordinating the goals and responsibilities for border security efforts of local and state agencies with jurisdiction over border security;
- developing procedures for streamlining decision-making of local and state agencies with jurisdiction over border security; and
- improving transparency of border security operations.

The council could hire staff or contract with universities or other suitable entities to assist in carrying out its duties. Funding to support the operation of the council would be provided from funds appropriated to the Texas Legislative Council.

The bill would specify that a member of the council was entitled to travel expenses incurred while conducting committee business as provided by the General Appropriations Act.

Border protection task force. CSHB 3782 would require the governor to select a state agency that would establish the Border Protection Task Force from a list of state agency recommendations provided by the Border Security Advisory Council. The bill would require the governing body of the state agency selected to establish the task force as a division within the agency to provide cross-functional expertise to border protection operations and improve efficiency and effectiveness of the border protection operations of the state agencies and political subdivisions of Texas. The task force would be required to coordinate with any federal agency or any local government as necessary to perform its duties. The bill would require the agency's governing body to appoint, with the approval of the governor, a chief of the task force who would serve at the will of the governing body.

The bill would require the task force to be headquartered in the border region and would authorize the task force to establish regional offices along the Texas-Mexico border. The chief of the task force would identify resources needed to conduct border protection operations, including personnel, equipment, and facilities owned or controlled by state agencies that conducted border protection operations under Operation Lone Star. The chief could identify any resources dedicated to border security that were owned or controlled by the governor's office, the attorney general's office, certain state agencies, and any other state agency designated by the governor.

Each state agency that owned or controlled identified resources would be required to dedicate those resources to the task force and its duties by written agreement with the task force. A local government that dedicated resources to the task force would be entitled to reimbursement for the use of those resources as provided by the written agreement and the General Appropriations Act. The bill would authorize the task force to accept gifts, grants, and donations from any source, including private and nonprofit organizations, for the purposes of governing the task force.

CSHB 3782 would require the chief of the task force to:

- formulate plans and policies for the protection of Texas citizens in the Texas-Mexico border region, including the air, maritime, and land borders of the state;
- organize the task force and supervise its operation;
- maintain records of all task force proceedings and official orders; and
- biennially submit a report of the task force's operations to the governor and the Legislature.

The chief would be directly responsible to the governing body for the conduct of the task force and would act as the chief administrative officer of the task force. With approval of the governing body, the chief could adopt rules necessary to carry out the duties of the task force, including rules for procuring equipment and facilities, providing training, and adopting policies governing its personnel.

The chief or the chief's designee would be required to develop and recommend a strategic plan that established the framework for the budgeting and operations of the task force, including homeland security strategies, to be administered by the task force and state agencies that provided assistance to the task force. The strategic plan would include goals and performance measures that involved collaboration with other state agencies and local governments and an evaluation of certain federal laws relating to improper entry into the United States. The chief would annually report to the governor, the Legislature, and the governing body on the recommendation and implementation of the strategic plan.

The bill would authorize the chief to hire any employees as necessary to perform the duties of the task force and would specify that the task force was an equal employment opportunity employer. With the approval of the agency's governing body, the chief could appoint deputy chiefs and regional commanders to oversee the task force's regional offices, and could commission officers of the task force as peace officers. The bill would specify that commissioned officers of the task force would be considered peace officers and would require a

person to hold or obtain a peace officer license to be eligible to be a commissioned officer of the task force.

Noncommissioned officers of the task would be required to meet the qualifications set by the chief by rule. The bill would authorize the chief to provide for the qualifications of any other task force employees.

The task force would have to acquire equipment, facilities, and conduct training necessary to conduct the duties of the task force, including land, air, and maritime responsibilities. The bill would require the task force to conduct the training in the border region.

A person dedicated to the task force and its duties under the bill would retain the authority of the office held by the person with the dedicating state agency or local government and could exercise any powers granted to the task force with the approval of the chief. The bill would authorize the agency's governing body, with the approval of the governor, to assign the person additional duties consistent with the duties of the task force.

The bill would establish that any property, including equipment or facilities, dedicated to the task force and its duties under the bill could be used for the purposes of the dedicating state agency or local government or the purposes of the task force.

The task force would be subject to appropriations from the Legislature and would continue to exist until September 1, 2031, unless reauthorized by the Legislature. The bill's provisions relating to the task force would expire September 1, 2031.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.