

By: Parker, et al.

S.B. No. 36

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Section 411.002(a), Government Code, is amended
to read as follows:

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

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

SUBCHAPTER S. HOMELAND SECURITY DIVISION

Sec. 411.551. DEFINITIONS. In this subchapter:

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

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

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

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

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

11 (b) The director shall appoint the chief with the consent of
12 the commission.

13 (c) The chief acts as the chief administrative officer of
14 the division and is under the supervision and direction of the
15 director, and to the extent the director determines, a deputy
16 director of the department.

17 Sec. 411.553. DEPUTY CHIEFS AND OTHER EMPLOYEES;
18 DELEGATION. (a) The chief may employ deputy chiefs and other
19 employees as necessary to perform the duties or exercise the powers
20 of the division or perform any duty or exercise any power of the
21 department assigned to the division.

22 (b) The chief may delegate any power or duty assigned to the
23 division or chief unless prohibited by statute or rule.

24 Sec. 411.554. BORDER SECURITY: PLANNING AND COORDINATION.
25 (a) The division shall, in collaboration with any other person who
26 by law performs similar duties:

27 (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

1 required by Subsection (a)(1) recommendations to mitigate those
2 risks and hazards.

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

7 Sec. 411.557. PLANNING FOR PHYSICAL PROTECTION OF CRITICAL
8 INFRASTRUCTURE. (a) The division shall coordinate multi-agency,
9 multi-jurisdictional, and public-private efforts to protect the
10 critical infrastructure in this state from criminal actors and
11 organizations. Within the 16 critical infrastructure sectors
12 identified by National Security Memorandum on Critical
13 Infrastructure Security and Resilience (NSM-22) issued by the
14 president of the United States, the division shall prioritize the
15 division's efforts in ensuring the physical protection of critical
16 infrastructure in the following sectors:

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

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

25 (c) The division shall develop a system to identify and
26 categorize critical infrastructure in this state for the purpose of
27 facilitating initiatives to protect the critical infrastructure

1 from criminal actors and organizations, including for facilitating
2 any risk assessment of critical infrastructure assets or systems in
3 this state and identifying any dependency or interdependency among
4 those assets or systems.

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

9 (e) During any disaster, as that term is defined by Section
10 418.004, the division shall provide support to the state operations
11 center described by Section 418.041(e).

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

15 (1) collect or receive intelligence information
16 related to threats to critical infrastructure; and

17 (2) properly identify threats to critical
18 infrastructure and report those threats to the department.

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

21 Sec. 411.559. WORK GROUPS; STUDY OF TECHNOLOGIES. (a) The
22 division may establish and appoint members to one or more work
23 groups to:

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

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

1 (b) A work group established under this section may be
2 composed of representatives from state and federal agencies, local
3 governments, and private organizations. The division may provide
4 administrative support for any work group established under this
5 section.

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

13 Sec. 411.560. RESEARCH. (a) The division shall annually
14 propose to the commission the research priorities and a research
15 agenda for the department.

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

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

24 Sec. 411.561. COUNSEL AND BUDGETING. (a) In this section,
25 "homeland security activity" means any activity related to the
26 prevention or discovery of, response to, or recovery from:

27 (1) a terrorist attack;

1 (2) a hostile military or paramilitary action; or

2 (3) an extraordinary law enforcement emergency.

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

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

16 Sec. 411.562. GRANT AND REIMBURSEMENT PROGRAMS. (a)
17 Notwithstanding any other law establishing a grant or reimbursement
18 program administered by a state agency or local government related
19 to preparedness against terrorist or criminal threats or to border
20 security, the division shall, in collaboration with the governor,
21 set priorities and guidelines for the program, including priorities
22 for intended outcomes and guidelines for assessing the
23 effectiveness of the program.

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

1 Sec. 411.563. WEBSITE AND REPORTS. The division shall
2 maintain a publicly accessible Internet website and publish
3 assessments and other reports produced by the division that are not
4 excepted from disclosure under Section 552.021 and not
5 confidential.

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

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

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

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

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

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

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

26 (2) specific priorities related to the governor's
27 homeland security strategy that the committee determines to be of

1 significant importance to the statewide security of critical
2 infrastructure; and

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

6 SECTION 5. (a) In this section:

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

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

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

14 (1) transfer the management and operations of the
15 Border Security Operations Center and the Joint Operations and
16 Intelligence Centers to the Texas Homeland Security Division in the
17 department; and

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

25 (c) The written agreement required by Subsection (b)(2) of
26 this section must specify an effective date for the transfer.

27 (d) Any rules, policies, procedures, decisions, and forms

1 of a transferring agency that relate to the management or
2 operations of a center in effect on the effective date of the
3 transfer remain in effect until changed by the department.

4 (e) All money, contracts, leases, property, software source
5 code and documentation, records, and obligations of a transferring
6 agency that relate to the management or operations of a center are
7 transferred to the department on the effective date of the
8 transfer.

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

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

17 (h) On the effective date of the transfer, all full-time
18 equivalent employee positions at the transferring agency that
19 concern the management or operations of a center being transferred
20 become positions at the department. The department shall post the
21 positions for hiring and, when filling the positions, shall give
22 consideration to, but is not required to hire, an applicant who,
23 immediately before the date of the transfer, was an employee at a
24 transferring agency.

25 SECTION 6. This Act takes effect September 1, 2025.