

SUBJECT: Establishing programs related to border safety and security

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 8 ayes — Hunter, Dean, Geren, Guillen, Metcalf, Slawson, Smithee, Spiller

3 nays — Hernandez, Anchía, S. Thompson

2 absent — Raymond, Turner

WITNESSES: For — Roy Boyd, Goliad County Sheriff; Brent Smith, Kinney County Attorney; Charles Maley, South Texans’ Property Rights Association; Tom Glass, Texas Constitutional Enforcement; Michael Belsick; Sandra Whitten (*Registered, but did not testify*: Sheena Rodriguez, Alliance for a Safe Texas; J.R. Ramirez, Texas & Southwestern Cattle Raisers Association; AJ Louderback, Texas Sheriffs Regional Alliance; Natalie Ibe, True Texas Project; Cindi Castilla, TX Eagle Forum; and 7 individuals)

Against — Ashley Vasquez, ARISE; Lissette Castillo, Detention Watch Network; David Stout, El Paso County; Cathryn Torres, Frontera Fund; Bethany Carson, Grassroots Leadership; Alicia Torres, Grassroots Leadership; Bob Libal, Human Rights Watch; Jennefer Canales-Pelaez, Priscilla Olivarez, Immigrant Legal Resource Center; Sergio Treviño, La Union del Pueblo Entero; Samantha Serna Uribe, Mexican American Legal Defense and Educational Fund; Sara Ramey, Migrant Center for Human Rights; Libby Goldman, Never Again Action; Abel Vega, Rio Texas Conference, UMC; Alondra Andrade, Tahirih Justice Center; Alexis Bay, Emily Eby French, Roberto Lopez, Erin Thorn, Texas Civil Rights Project; Adri Perez, Texas Freedom Network; Sofia Avant-Mier, Alexa Carranco, Ivonne Diaz, Manuel Guzman, Aaron Hernandez, Isabel Herrera, Kyle Jacquez, Texas Rising; Fernando Garcia, Samantha Singleton, The Border Network for Human Rights; John Kim, Myung Kim, Yun Hwa Lee, Nicole Ma, Quynh-Huong Nguyen, Myoung Soon Ryoo, Sarah Syed, Steven Wu, Terry Yun, Woori Juntos; Dona Murphey,

Woori Juntos, Project Lifeline; Fabiola Barreto, Youth Rise Texas; and 19 individuals (*Registered, but did not testify*: Ash Hall, ACLU of Texas; Ruth Tiguila, Arise; Calletana Martinez, Maria Reyes, Arise Adelante; Yaneth Flores, Avow; Maria Gonzalez, Irma Martinez, Nora Mata, Veronica Mata, Dina Nuñez, Erika Vazquez, Border Workers United; Will Davies, Victoria Uriostegui, Breakthrough Central Texas; Esther Reyes, Childrens Defense Fund-Texas; Elisa M. Tamayo, El Paso County; Jaime Puente, Every Texan; Stephen Reeves, Fellowship Southwest; Joanna Vaughn, Friends Meeting of Austin (Quaker); David Johnson, Grassroots Leadership; Karina Alvarez, Laredo Immigrant Alliance; Evon Bueno, Nadia Briones, Joaquin Garcia, Blanca Munoz, Victor Trevino, La Union del Pueblo Entero; Nataly Avendano, Mano Amiga; Geovanna Balderas, Dulce Garcia, MISMA; Amber Mills, MOVE Texas Action Fund; Sulma Franco, Helen Monroy Ortiz, Mujeres Luchadoras; Shannon Doyle, National Association of Social Workers - Texas Chapter; Nancy Cardenas, National Latina Institute for Reproductive Justice; Adrian Shelley, Public Citizen; Samuel Brannon, Emma Espino, Katy Miles-Wallace, Southwestern Texas Synod ELCA, Julio Vasquez, Southwestern Texas Synod, Border Network for Human Rights; Anna Katharina Dechert, Tahirih Justice Center; Ana Gonzalez, Jesus Perales, Texas AFL-CIO; Alycia Castillo, Texas Center for Justice and Equity; Rocio Fierro-Perez, Carisa Lopez, Emily Witt, Texas Freedom Network; Joshua Houston, LyAnna Johnson, Franz Schemmel, Texas Impact; Jasmine Tellez, Texas Rising; Janice Resendiz, Texas Rising Action; Erin Walter, Texas Unitarian Universalist Justice Ministry; Sadie Hernandez, Transgender Education Network of Texas; Katie Naranjo, Cynthia Van Maanen, Travis County Democratic Party; Milo Grant, Natalie Webb, University Baptist Church, Austin, TX; Si Hwa Gi, Kyou Kim, Myung J. Kim, Joshua Na, Hyunja Norman, Hyang Sook Rhee, Woori Juntos; Tevin English, Workers Defense; Hannah Alexander, David Chincanchan, Daniela Hernandez, Emily Timm, Workers Defense Action Fund; Kasey Corpus, Young Invincibles; and 114 individuals)

On — Nelson Barnes, 452nd District Attorneys Office; Carine Martinez, Texas Public Policy Foundation (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

BACKGROUND: Concerns have been raised that undocumented crossings of the Texas-Mexico border have placed a strain on public services, damaged property, and harmed commercial activity. Some have suggested that additional state funds are needed to help border region communities address these challenges to public health and safety.

DIGEST: CSHB 7 would establish grant programs related to public health and safety in Texas-Mexico border regions. The bill would require the governor to coordinate, develop, and execute agreements with the United Mexican States and the states thereof regarding the authority of Texas to protect and defend its citizens.

Border Protection Court Grant Program. From money appropriated for that purpose, CSHB 7 would require the Office of Court Administration (OCA) to establish and administer a grant program to support the operation of courts in the Texas-Mexico border region with the adjudication of border-related offenses, meaning offenses involving:

- a person unlawfully entering or attempting to enter the state by crossing the border at a place other than a port of entry;
- the smuggling of individuals or contraband across the border; or
- an operative of a transnational cartel.

OCA could by rule define a similar offense as border-related for purposes of the program. The term also would apply to an offense for which prosecutions had increased as a result of Operation Lone Star.

Grants awarded under the program could be used for reimbursement for costs associated with court operations, including salaries and benefits of judges and other staff, travel costs and other expenses incurred by court personnel and judges, equipment costs, and relevant fees. In adopting rules for the program, the OCA would be required to conduct a study to identify offenses for which prosecutions had increased as a result of Operation Lone Star. Rules would have to include procedures for reporting caseload data at least annually.

Grant programs for infrastructure, facilities, equipment, and services. CSHB 7 would require the Governor's Criminal Justice Division to establish and administer from money appropriated for that purpose:

- the Border Protection Equipment and Infrastructure Fund to award grants to state agencies and local governments in the border region for temporary border security infrastructure and public health and safety equipment;
- the Border Protection Criminal Justice Facilities Fund to award grants for construction and maintenance of facilities for prosecuting and adjudicating offenses committed in the border region;
- the Border Protection Public Safety Personnel Fund to award grants for the payment of law enforcement staff salaries, benefits, and operational expenses; and
- the Border Protection Secure Trade Fund to award grants to enhance vehicle inspections, assist in the investigation, interdiction, and prosecution of people or contraband smuggling across the border, and construct or improve roadways and build transportation facilities.

Border Property Damage Compensation Account. CSHB 7 would establish a border property damage compensation account within the compensation to victims of crime fund to be administered by the Governor's Criminal Justice Division under rules adopted by the governor. The account would consist of legislative appropriations, statutorily dedicated revenue, investment earnings and interest, gifts, grants, and donations, and proceeds from forfeited property sales related to smuggling of persons.

The division would be required to use money from the account to establish a program to compensate border region residents for property damages caused by:

- a person who entered or attempted to enter the state by crossing the

- border at a place other than a port of entry;
- a person who assisted such a person; or
- a law enforcement action taken to repel, arrest, or retain such persons.

Border Institution Grant Program. CSHB 7 would require the Texas Higher Education Coordinating Board (THECB), subject to availability of funds, to establish a border institution grant program to award financial assistance to higher education institutions in the border region that administer programs to:

- recruit, train, retain, or otherwise increase the number of professionals in fields related to border security or affected by ongoing criminal activity and public health threats to the border region; and
- conduct research in areas of study related to border safety or the effects of ongoing criminal activity and public health threats to the border region.

In awarding grants for the program, THECB would be required to give priority to applicants that proposed to:

- enhance or leverage existing degree programs that graduate professionals described above;
- establish or maintain a program that served a rural or underserved area;
- partner with another institution to develop a joint program;
- establish or maintain a program that incentivized border safety professionals to serve in their field or a related field of study for at least three years after graduation; and
- establish or maintain a degree or certificate program to educate professionals in specialties facing significant workforce shortages.

Economic development initiative. CSHB 7 would require the Texas Economic Development and Tourism Office to develop and execute a campaign to

- attract domestic and foreign entities to the border region,
- promote tourism in the region; and
- support institutions and initiatives in the region conducive to businesses providing homeland security technology or services.

The office would be required to identify and research particular companies and types of companies with a high potential of commercial success in the border region. The office also would have to develop and execute a campaign to attract each identified company to locate or expand operations in the border region. The bill would require the office to create programs to support the formation of new companies in the border region under the categories identified as having a high potential of commercial success.

Grant program rules. The entities responsible for administering the grant programs established under CSHB 7 would be required to adopt rules that included:

- administrative provisions for grants, including eligibility criteria, application procedures, amount guidelines, and monitoring procedures; and
- methods of tracking grant effectiveness and applicant efficiency.

In adopting rules, the administrative entities would be required to solicit relevant information from border region officials, community leaders, and stakeholders.

Each award recipient would have to submit an annual report to the applicable administrative entity on the grant money spent and the purposes for which it was spent.

Other provisions. The entities responsible for administering the grant programs and the economic development campaign required by CSHB 7 would be authorized to seek federal funding and accept gifts, grants, and donations for the respective programs.

Each administrative body could use up to 5 percent of any general revenue appropriated to pay the administrative costs of the applicable program.

CSHB 7 would take effect September 1, 2023.

NOTES:

According to the Legislative Budget Board (LBB), CSHB 7 would have an estimated negative impact of about \$91.6 million to general revenue related funds through fiscal 2024-25. LBB anticipates additional costs that cannot be determined due to uncertainty about funding for grants and programs established under the bill.