



## Committee Substitute House Bill 3782

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### Purpose

House Bill 3782 (2023)\* proposes to establish a Border Security Advisory Council 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 bill would also create the Border Protection Task Force to provide expertise and increase efficiency across agencies participating in border safety operations.

### Background

The state of Texas has taken considerable measures to regain and maintain operational control of the Texas–Mexico border. The state has provided historic funding to various state agencies (Rodriguez & Scott, 2022) to support Operation Lone Star and border security operations, and said agencies now have to coordinate agency goals and responsibility for border security efforts.

As of January 2023, Gov. Abbott designed former U.S. Border Patrol agent Mike Banks as the first border czar of Texas. Mr. Banks' role is to oversee Texas' fight against the surge of illegal immigration, lethal drugs, and deadly weapons flowing into Texas and the nation. He reports directly to Gov. Abbott and ensures border security strategies are fully executed in Texas. According to the Office of the Governor (2023), he will collaborate daily with the Texas Military Department, the Department of Public Safety, and other state agencies, local officials, and Texas landowners to carry out Operation Lone Star's mission of deterring and repelling migrants from illegally crossing into Texas from Mexico. Mr. Banks will also advise the governor on border security situations and strategies, including the planning of operations ahead of migrant surges.

Appointing Mr. Banks to this role is a great first step toward a more effective, organized, and economical mission of securing the Texas–Mexico border. The bill would allow the governor to designate someone to receive the council's advice on his behalf, which could be part of Mr. Banks' role—if the governor so chooses.

### Proposal

HB 3782 would create a Border Security Advisory Council that would advise the Legislature and the Office of the Governor on homeland security issues impacting the security of the Texas–Mexico border and on streamlining statewide border security activities and initiatives.

HB 3782 establishes that the voting members of the council include the lieutenant governor and the speaker of the House of Representatives as joint chairs of the council, which will be composed of:

1. Four senators appointed by the lieutenant governor
  - Two senators must be members of the political party with the most members in the Texas Senate and two senators must be members of the political party with the second most members in the Texas Senate
  - Two senators must represent senatorial districts located in the border region
  - One senator must be the chair of the Senate standing committee with primary jurisdiction over border security issues

\* The Foundation has reviewed the committee substitute to HB 3782, which was not available online at the time of this writing. This bill analysis reflects the changes made in the committee substitute.

2. Four members of the House of Representatives appointed by the speaker of the House of Representatives
  - Two representatives must be members of the political party with the most members in the Texas House of Representatives and two representatives must be members of the political party with the second most members in the Texas House of Representatives
  - Two representatives must represent House districts located in the border region
  - One representative must be the chair of the House standing committee with primary jurisdiction over border security issues

HB 3782 establishes that the nonvoting members of the council include the executive head of or a designee from the following agencies:

- Department of Public Safety
- Texas Military Department
- Texas Division of Emergency Management
- Parks and Wildlife Department
- Texas Department of Criminal Justice
- Office of Court Administration of the Texas Judicial System

HB 3782 requires that the governor or the governor's designee appoint:

- One representative of a county located in the border region, other than a sheriff
- One sheriff of a county located in the border region
- One representative of a municipality located in the border region, other than a municipal police chief
- One police chief of a municipality located in the border region
- One representative of the business community involved in international trade across the Texas–Mexico border

The governor or the governor's designee may also appoint other nonvoting members to the council.

HB 3782 establishes that a majority of the voting members of the council constitutes a quorum to conduct business, and if a quorum is present then the council may act on any matter with the council's jurisdiction by a majority vote. The council may meet as often as necessary and all meetings must be open to the public and audible to the public at the location specified in the meeting notice.

HB 3782 would also establish the Border Protection Task Force. The bill requires that the Border Security Advisory Council recommend to the governor a list of state agencies included in border security programs to establish a Border Protection Task Force. The governor shall select from the list the state agency that will establish the task force. The task force will be subject to appropriations from the Legislature and 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 in Texas. It must be headquartered in the border region and may establish regional offices along the Texas–Mexico border. It shall coordinate with any federal agency or local government to carry out its duties. The task force will expire on September 1, 2031.

The governing body of the task force shall appoint, with approval of the governor, a chief who shall identify resources the task force needs to conduct border protection operations. The chief could identify any resources dedicated to border security that are owned or controlled by state agencies under each branch of the Texas government. Each state agency that owns or controls resources deemed required by the task force would need to enter into a written agreement to dedicate those resources to the task force. A local government that owns or controls resources deemed necessary would be entitled to reimbursement for the use of those resources. The chief may also appoint deputy chiefs and regional commanders, as well as commission officers of the task force as peace officers. The bill would allow the chief to hire any employees necessary to carry out the duties of the task force.

The task force will formulate plans and policies for the protection of the state of Texas and its citizens. It will recommend to the governor or the governor's designee and the Legislature a strategic plan that establishes the framework for the budgeting and operations of the task force and report annually on the implantation of the strategic plan.

The task force is an equal employment opportunity employer, it may not discriminate against or give preferential treatment to any employee or job applicant on account of the individual's race, color, sex, national origin, or religion.

HB 3782 will help improve transparency of border security operations, increase intelligence sharing, and more accurately keep the governor and state Legislature informed on funding requirements and expenditures. It will require statistical analyses and other research methods to gain an in-depth understanding and examination of border safety initiatives and programs in Texas.

Finally, HB 3782 would help the state of Texas be proactive with state cooperation to strengthen the effectiveness of Texas' border security apparatus.

## References

HB 3782. Introduced. 88th Texas Legislature. Regular. (2023). <https://capitol.texas.gov/BillLookup/History.aspx?LegSess=88R&Bill=HB3782>

Office of the Texas Governor. (2023, January 30). *Governor Abbott announces new Texas border czar* [Press release]. <https://gov.texas.gov/news/post/governor-abbott-announces-new-texas-border-czar>

Rodriguez, S., & Scott, R. (2022). *Texas border security panorama*. Texas Public Policy Foundation. <https://www.texaspolicy.com/texas-border-security-panorama/>

**Selene Rodriguez** is the assistant director of federal affairs at the Texas Public Policy Foundation. In this role, she conducts research on public policy issues; assists the Foundation in academic publication; educates lawmakers and members of the public on Foundation research; and provides formal testimony to local, state, and federal entities. Prior to this position, Rodriguez served in the Marine Corps as an intelligence specialist and completed an internship at the Texas Public Policy Foundation. Born and raised in Del Rio, Texas, Rodriguez graduated from Texas State University with a B.A. in political science and is currently a graduate student. She has a passion for spending time with her family and volunteering in local community programs and political organizations.

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