


# MAKING SUPPLEMENTAL APPROPRIATIONS RELATING TO BORDER SECURITY AND GIVING DIRECTION REGARDING THOSE APPROPRIATIONS

2021 Tex. Sess. Law Serv. 2nd Called Sess. Ch. 8 (H.B. 9) (VERNON'S)

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2021 Tex. Sess. Law Serv. 2nd Called Sess. Ch. 8 (H.B. 9) (VERNON'S)

VERNON'S TEXAS SESSION LAW SERVICE 2021

Eighty-Seventh Legislature, 2021 Second Called Session

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CHAPTER 8

H.B. No. 9

MAKING SUPPLEMENTAL APPROPRIATIONS RELATING TO BORDER  
SECURITY AND GIVING DIRECTION REGARDING THOSE APPROPRIATIONS

AN ACT

relating to making supplemental appropriations relating to border  
security and giving direction regarding those appropriations.

Be it enacted by the Legislature of the State of Texas:

**SECTION 1. OFFICE OF COURT ADMINISTRATION, TEXAS JUDICIAL COUNCIL.** (a) The amount of \$32,486,125 is appropriated from the general revenue fund to the Office of Court Administration, Texas Judicial Council for the purpose of providing funding for indigent legal representation, foreign language interpreters for courts, increased staff functions, equipment purchases, and program administration costs during the two-year period beginning on the effective date of this Act.

(b) During the two-year period beginning on the effective date of this Act, in addition to the number of full-time equivalent (FTE) employees other law authorizes the office to employ during that period, the Office of Court Administration, Texas Judicial Council may employ out of money appropriated by Subsection (a) of this section six full-time equivalent (FTE) employees.

(c) Out of money appropriated by Subsection (a) of this section, the Office of Court Administration, Texas Judicial Council shall transfer \$905,200 to the Comptroller's Department, Judiciary Section for the purpose of providing funding for visiting judges.

**SECTION 2. MILITARY DEPARTMENT.** The amount of \$301,007,231 is appropriated from the general revenue fund to the Military Department for the purpose of providing funding for additional personnel to support border security operations during the two-year period beginning on the effective date of this Act.

**SECTION 3. DEPARTMENT OF PUBLIC SAFETY.** (a) The amount of \$133,506,725 is appropriated from the general revenue fund to the Department of Public Safety for the purpose of providing funding for 52 weeks of Operation Lone Star surge costs incurred during the two-year period beginning on the effective date of this Act.

(b) The amount of \$3,411,000 is appropriated from the general revenue fund to the Department of Public Safety for the purpose of providing funding to purchase tactical marine unit vessels during the two-year period beginning on the effective date of this Act.

(c) The amount of \$17,872,349 is appropriated from the general revenue fund to the Department of Public Safety for the purpose of providing funding for additional full-time equivalent (FTE) employees during the two-year period beginning on the effective date of this Act.

(d) During the two-year period beginning on the effective date of this Act, in addition to the number of full-time equivalent (FTE) employees other law authorizes the department to employ during that period, the Department of Public Safety may employ out of money appropriated by Subsection (c) of this section 79 full-time equivalent (FTE) employees.

**SECTION 4. DEPARTMENT OF CRIMINAL JUSTICE.** The amount of \$273,700,000 is appropriated from the general revenue fund to the Department of Criminal Justice for the purpose of providing funding for correctional security operations during the two-year period beginning on the effective date of this Act.

**SECTION 5. COMMISSION ON JAIL STANDARDS.** (a) The amount of \$214,785 is appropriated from the general revenue fund to the Commission on Jail Standards for the purpose of providing funding to pay additional full-time equivalent (FTE) employees, increased employee overtime compensation costs, and increased travel expenses during the two-year period beginning on the effective date of this Act.

(b) During the two-year period beginning on the effective date of this Act, in addition to the number of full-time equivalent (FTE) employees other law authorizes the commission to employ during that period, the Commission on Jail Standards may employ out of money appropriated by Subsection (a) of this section three full-time equivalent (FTE) employees.

**SECTION 6. TRUSTEED PROGRAMS WITHIN THE OFFICE OF THE GOVERNOR.** (a) The amount of \$1,020,290,860 is appropriated from the general revenue fund to the Trusteed Programs within the Office of the Governor for the purpose of providing funding for border security operations through the making of border security grants during the two-year period beginning on the effective date of this Act.

(b) The money appropriated by Subsection (a) of this section may not be used to:

- (1) acquire property through the exercise of eminent domain; or
- (2) build a barrier along this state's international border with Mexico on property acquired through the exercise of eminent domain.

(c) The amount of \$3,765,000 is appropriated from the general revenue fund to the Trusteed Programs within the Office of the Governor for the purpose of providing funding for additional full-time equivalent (FTE) employees and for additional training regarding the handling of misdemeanor and felony crimes for eligible prosecuting attorneys, as defined by Section 772.0071(a), Government Code, during the two-year period beginning on the effective date of this Act.

(d) Out of money appropriated by Subsection (a) of this section, the amount of \$14,000,000 in each state fiscal year of the state fiscal biennium beginning September 1, 2021, may be used only to provide funding for grants to counties adjacent to this state's international border with Mexico to cover those counties' costs for additional law enforcement personnel and equipment, overtime pay for law enforcement personnel, and other expenses related to non-citizens held in county jail facilities, and for non-citizen autopsies.

**SECTION 7. DEPARTMENT OF STATE HEALTH SERVICES.** (a) The amount of \$5,450,976 is appropriated from the general revenue fund to the Department of State Health Services for the purpose of purchasing ambulance services during the two-year period beginning on the effective date of this Act.

(b) The amount of \$10,901,952 is appropriated from the general revenue fund to the Department of State Health Services for the purpose of purchasing ambulance services for use at two border security processing centers during the two-year period beginning on the effective date of this Act.

**SECTION 8. BORDER SECURITY REPORTING REQUIREMENT.** (a) In this section, “border security” means activities associated with deterring crimes and enforcing state laws related to offenses listed in Section 772.0071, Government Code, hunting and fishing laws related to poaching, laws for which this state receives federal grants intended to enhance law enforcement, or laws that relate to federal law enforcement operations, between designated entry and exit points in counties:

- (1) adjacent to or a portion of which are located within 20 miles of an international border;
- (2) adjacent to two counties located on an international border with a population of more than 5,000 and less than 7,500 according to the most recent federal decennial census;
- (3) adjacent to the Gulf Intracoastal Waterway, as defined by Section 51.002, Transportation Code; or
- (4) included in a disaster declaration relating to border security issued by the governor.

(b) The Department of Public Safety, Military Department, Trusteed Programs within the Office of the Governor, Department of Criminal Justice, Commission on Jail Standards, and Office of Court Administration, Texas Judicial Council, shall report all budgeted and expended amounts and performance indicator results for border security to the Legislative Budget Board.

(c) The entities described by Subsection (b) of this section shall provide the report required by that subsection on a quarterly basis and in the manner prescribed by the Legislative Budget Board. Each report must include, at a minimum:

- (1) expended amounts and performance indicators for activities related to enforcing laws described by Subsection (a) of this section that occur:
  - (A) in each county described by Subsection (a) of this section as well as for statewide activities that support border security; or
  - (B) in any geographic region outside of the counties described by Subsection (a) of this section, as requested, such as areas identified as smuggling corridors;
- (2) the method of finance of budgeted and expended amounts;
- (3) the object of expense of budgeted and expended amounts;
- (4) regular and overtime pay;
- (5) the quarterly total number of border security-related apprehensions and arrests made by state law enforcement personnel deployed to geographic regions included in the areas described by Subsection (a) of this section, including the number of minors apprehended;
- (6) the total quarterly number of individuals undergoing magistration, prosecution, or conviction for state crimes related to border security;
- (7) the total quarterly number of individuals confined to state correctional facilities converted by the Department of Criminal Justice to confine those accused of state crimes related to border security;
- (8) the quarterly total length, expressed in miles, and type of temporary and permanent fencing, barrier, or wall erected along the international border with Mexico; and
- (9) the quarterly total number and amount of grants issued by the Trusteed Programs within the Office of the Governor to local jurisdictions and counties included in the area described by Subsection (a) of this section.

**SECTION 9. EFFECTIVE DATE. This Act takes effect immediately.**

Passed by the House on August 30, 2021: Yeas 85, Nays 36, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate on September 1, 2021: Yeas 23, Nays 8; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Approved September 17, 2021.

Effective September 17, 2021.

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End of Document

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## David Sanchez

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**From:** Isidro R. Alaniz  
**Sent:** Wednesday, September 29, 2021 9:15 PM  
**To:** David Sanchez  
**Subject:** Fwd: Supplemental Funding Update

Sent from my iPhone

Begin forwarded message:

**From:** Tom Krampitz <tom@tlklaw.com>  
**Date:** September 29, 2021 at 9:04:52 PM CDT  
**To:** "Isidro R. Alaniz" <iralaniz@webbcountytx.gov>, Laurie English <lkel112da@gmail.com>, Roberto Serna <robertoserna@sbcglobal.net>, Tonya Ahlschwede <tsa@452da.net>, Ori White <ori@83rddistrictattorney.com>, Christina Mitchell Busbee <christina.busbee@38thda.org>, Suzanne West <swest@districtattorney63rd.org>, Jose Aliseda <Jose.Aliseda@co.bee.tx.us>, Yvonne Rosales <yvrosales@epcounty.com>, Rick Rodriguez <ricardo.rodriguez@da.co.hidalgo.tx.us>, Carlos omar Garcia Omar Garcia <carlos.omar.garcia@co.jim-wells.tx.us>, "John T. Hubert" <johnhubertesq@gmail.com>, Gocha Ramirez <gocha.ramirez@da.co.starr.tx.us>, Annette Hinojosa <annette.hinojosa@co.willacy.tx.us>, Kim Ogg <ogg\_kim@dao.hctx.net>, Joe Gonzalez <J.Gonzales@bexar.org>, John Creuzot <john.creuzot@dallascounty.org>  
**Cc:** Kathy Braddock <kbraddock17@gmail.com>, Silvia Serna <S.Serna@epcounty.com>, "Corina L. Cervantes" <CoCervantes@epcounty.com>, "Cecilia V. Garcia" <cvgarcia@webbcountytx.gov>, "Abel Villarreal, Jr." <abel.villarreal@da.co.starr.tx.us>, Tiffany Dupree <dupree\_tiffany@dao.hctx.net>, "McCleskey, Sean" <Sean.McCleskey@bexar.org>, Tim Gallagher <tjm.gallagher@dallascounty.org>  
**Subject:** Supplemental Funding Update

Folks;

For the past several days I've been working with the Governor's Office to develop a process to distribute the supplemental funding recently approved by the Legislature in conjunction with Operation Lone Star. The good news is all of your "asks" are going to be funded for the next two years. But because of some of the peculiarities in the way the Legislature structured the appropriations, the method of getting you the funding has been broken into three "buckets".





Bucket 1: Funding provided under HB 9 from the special session is only available to counties that have issued a disaster declaration. Since this is a new appropriation, the offices in this category are required to file a new application. Those offices are:

- Webb
- Sutton
- Zavala
- Mason
- Pecos
- Uvalde
- Val Verde
- Bee

The Governor's Office tells me that eGrants will open for these applications immediately (you may have already gotten notice.) The applications will be processed in an expedited fashion so that the funds will flow to your offices ASAP.

Bucket 2: For offices in counties where no disaster declaration has been issued, the funding will come via an adjustment to your regular two-year grant allocation just awarded (i.e., the one approved during the regular legislative session back this Spring.) So no new application is required, simply go into eGrants and make a budget adjustment to add the additional funds as requested.

- El Paso
- Hidalgo
- Jim Wells
- Kleberg
- Starr
- Willacy

Bucket 3: This only applies to the TAGs that made supplemental grant requests. The Legislature passed a separate supplemental appropriation bill during the special session (HB 5) for TAGs and the Governor's Office tells me it may take a bit of patience before these are set up in a new system, but once notified, the budget adjustment process (as opposed to a new application) will be employed to add the funds for these offices:

- Harris
- Dallas
- Bexar



Happy to answer any questions you might have - and thanks for your patience and cooperation in putting all of this into place so quickly!

TK

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