

By: Swinford

H.B. No. 13

A BILL TO BE ENTITLED

AN ACT

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relating to homeland security issues, including border security issues and homeland security staffing requirements; making an appropriation.

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

SECTION 1. Section 421.002, Government Code, is amended to read as follows:

Sec. 421.002. STATE OFFICE OF HOMELAND SECURITY; HOMELAND SECURITY STRATEGY. (a) The State Office of Homeland Security is in the office of the governor. The governor shall direct homeland security in this state through the State Office of Homeland Security and shall develop a statewide homeland security strategy that improves the state's ability to:

- (1) detect and deter threats to homeland security;
- (2) respond to homeland security emergencies; and
- (3) recover from homeland security emergencies.

(b) The State Office of Homeland Security [~~governor's homeland security strategy~~] shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector.

(c) The governor's homeland security strategy [~~and~~] must include specific plans for:

- (1) intelligence gathering and analysis;
- (2) information sharing;

1 (3) reducing the state's vulnerability to homeland
2 security emergencies;

3 (4) protecting critical infrastructure;

4 (5) protecting the state's international border,
5 ports, and airports;

6 (6) detecting, deterring, and defending against
7 terrorism, including cyber-terrorism and biological, chemical, and
8 nuclear terrorism;

9 (7) positioning equipment, technology, and personnel
10 to improve the state's ability to respond to a homeland security
11 emergency;

12 (8) directing the Texas Infrastructure Protection
13 Communications Center and giving the center certain forms of
14 authority to implement the governor's homeland security strategy;
15 and

16 (9) using technological resources to:

17 (A) facilitate the interoperability of
18 government technological resources, including data, networks, and
19 applications;

20 (B) coordinate the warning and alert systems of
21 state and local agencies;

22 (C) incorporate multidisciplinary approaches to
23 homeland security; and

24 (D) improve the security of governmental and
25 private sector information technology and information resources.

26 (d) [~~(e)~~] The governor's homeland security strategy must
27 complement and operate in coordination with the federal homeland

1 security strategy.

2 SECTION 2. Section 421.071, Government Code, is amended to
3 read as follows:

4 Sec. 421.071. COOPERATION AND ASSISTANCE; COMPLIANCE WITH
5 APPLICABLE LAW. (a) A state or local agency that performs a
6 homeland security activity or a nongovernmental entity that
7 contracts with a state or local agency to perform a homeland
8 security activity shall cooperate with and assist the office of the
9 governor, the Homeland Security Council, the Texas Infrastructure
10 Protection Communications Center, and the National Infrastructure
11 Protection Center in the performance of their duties under this
12 chapter and other state or federal law.

13 (b) A state governmental entity or municipality may not
14 adopt a rule, policy, or ordinance that entails a violation of state
15 or federal law having any relation to homeland security or
16 immigration. A violation of this subsection:

17 (1) will result in the immediate forfeiture and
18 repayment to the appropriate entity of any funds granted to the
19 state governmental entity or municipality for immigration-related
20 matters or for purposes related to homeland security, including
21 border security; and

22 (2) makes the state governmental entity or
23 municipality ineligible to receive funding under this chapter for
24 the three-year period beginning on the date the rule, policy, or
25 ordinance is adopted.

26 SECTION 3. Section 421.072, Government Code, is amended by
27 amending Subsection (a) and adding Subsections (d) and (e) to read

1 as follows:

2 (a) The office of the governor shall:

3 (1) allocate available federal and state grants and
4 other funding related to homeland security to state and local
5 agencies and defense base development authorities created under
6 Chapter 379B, Local Government Code, that perform homeland security
7 activities;

8 (2) periodically review the grants and other funding
9 for appropriateness and compliance, including compliance with
10 applicable state and federal law;

11 (3) designate state administering agencies to
12 administer all grants and other funding to the state related to
13 homeland security; and

14 (4) measure the effectiveness of the homeland security
15 grants and other funding.

16 (d) The governor may allocate funds as necessary to assist
17 state and local law enforcement agencies to acquire additional
18 personnel, equipment, and other operational support that will
19 enable state and local law enforcement agencies to better perform
20 homeland security activities, including activities related to
21 border security or law enforcement emergencies.

22 (e) A violation of applicable state or federal law by a
23 state or local agency receiving a grant or allocation under this
24 section:

25 (1) will result in the immediate forfeiture and
26 repayment to the appropriate entity of the grant or of the money
27 allocated to the state or local agency; and

1 (2) makes the state or local agency ineligible to
2 receive funding under this section for the three-year period
3 beginning on the date the applicable state or federal law was
4 violated.

5 SECTION 4. Section 370.003, Local Government Code, is
6 amended to read as follows:

7 Sec. 370.003. MUNICIPAL OR COUNTY POLICY REGARDING
8 ENFORCEMENT OF DRUG LAWS OR LAWS RELATING TO IMMIGRATION. The
9 governing body of a municipality, the commissioners court of a
10 county, or a sheriff, municipal police department, municipal
11 attorney, county attorney, district attorney, or criminal district
12 attorney may not adopt a policy under which the entity will not
13 fully enforce state or federal laws relating to:

14 (1) drugs, including Chapters 481 and 483, Health and
15 Safety Code; or

16 (2) immigration [~~, and federal law~~].

17 SECTION 5. The Department of Public Safety shall study
18 whether the department could reorganize in a way that would enable
19 the department to better support the governor's State Office of
20 Homeland Security and this state's homeland security activities,
21 including border security activities. The department shall report
22 the results of its study to the governor and the presiding officer
23 of each house of the legislature not later than November 1, 2008.

24 SECTION 6. The governor's State Office of Homeland Security
25 shall study whether there are existing sources of state revenue
26 that are not currently being used to support homeland security
27 activities that could be used for that purpose. The office shall

1 report the results of its study to the governor and the presiding
2 officer of each house of the legislature not later than November 1,
3 2008, and include in its report any change in law that would be
4 necessary before its recommendations could be implemented.

5 SECTION 7. In addition to other amounts appropriated for
6 the state fiscal biennium ending August 31, 2009, that may be used
7 for this purpose, the amount of \$100,000,000 is appropriated out of
8 the general revenue fund to the trustee programs within the office
9 of the governor for the state fiscal biennium ending August 31,
10 2009, for use by the governor's State Office of Homeland Security
11 for homeland security activities, including border security
12 activities and personnel requirements.

13 SECTION 8. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.