

By: Farrar

H.B. No. 4092

A BILL TO BE ENTITLED

AN ACT

relating to grants for homeland security and border security purposes.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0133 to read as follows:

Sec. 411.0133. HOMELAND SECURITY AND BORDER SECURITY GRANTS. (a) Notwithstanding any other law, including Section 772.006, the department is the only entity of state government that may select the recipient of state or federal funds granted by the state for homeland security or border security purposes.

(b) Another state entity with state or federal funds to be granted for homeland security or border security purposes shall:

(1) remit the funds to the department, which shall administer the grant; or

(2) notify the department and award the grant to the person selected by the department.

(c) The department by rule shall adopt a formula for selecting the recipients of grants for homeland security and border security purposes. The formula must fully consider the needs of the communities or entities applying for the grants and must give emphasis to:

(1) the quality of homeland security or border security information collected by applicants;

1           (2) the number of suspects with authority in a  
2 criminal enterprise apprehended by the applicants; and

3           (3) the amount, measured by weight, of illegal  
4 substances seized by the applicants.

5           (d) The department may not award a grant using a method  
6 other than the formula under Subsection (c).

7           (e) Not later than December 1 of each year, the department  
8 shall submit a report to the governor, lieutenant governor, speaker  
9 of the house of representatives, and members of the legislature  
10 regarding the department's activities under this section during the  
11 preceding state fiscal year.

12           SECTION 2. Sections 421.0025(b) and (c), Government Code,  
13 are amended to read as follows:

14           (b) The Border Security Council shall develop and recommend  
15 to the Department of Public Safety of the State of Texas [~~office of~~  
16 ~~the governor~~] performance standards, reporting requirements, audit  
17 methods, and other procedures to ensure that funds allocated by the  
18 department [~~office of the governor~~] for purposes related to  
19 security at or near this state's international border are used  
20 properly and that the recipients of the funds are accountable for  
21 the proper use of the funds.

22           (c) The Border Security Council shall advise the Department  
23 of Public Safety of the State of Texas [~~office of the governor~~]  
24 regarding the allocation of funds by the department [~~office~~] for  
25 purposes related to security at or near this state's international  
26 border. Recommendations relating to the allocation of those funds  
27 must be made by a majority of the members of the council.

1           SECTION 3. The heading to Subchapter D, Chapter 421,  
2 Government Code, is amended to read as follows:

3           SUBCHAPTER D. COOPERATION AND ASSISTANCE [~~FUNDING~~]

4           SECTION 4. Section 421.072, Government Code, is repealed.

5           SECTION 5. This Act takes effect September 1, 2009.