

BILL ANALYSIS

Senate Research Center
84R4568 AAF-D

S.B. 1035
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Veteran Affairs & Military Installations-S/C Border Security
4/17/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Public Safety and an array of other state agencies have spent almost \$1 billion since 2008 (\$920.6 million) on "border security," according to Legislative Budget Board calculations. These appropriations are difficult to track because they are spread across agencies and strategies.

The Border Security Council was established to make recommendations regarding performance measures, reporting requirements, and the allocation of funds for border security at the Office of the Governor. This council's recommendations do not apply to other agencies. Despite the participation of multiple state agencies in border security operations, no formal requirement is in place to ensure cross-agency collaboration or to track the state's progress across agencies toward achieving a more secure border.

Additionally, performance measures linked directly to state border security activities previously have not been developed or used in a way that sufficiently allows the monitoring of state spending.

Consistent reporting on border security and modifying requirements of the Texas Border Security Council would ensure coordination among agencies, improve transparency, and enhance oversight of the state's efforts and progress toward securing the border with Mexico.

S.B. 1035 amends statute to reconstitute the Border Security Council as a special advisory council of the Homeland Security Council and require the Homeland Security Council's annual report to include an assessment of the performance, reporting, and funding amounts for the state's border security activities that is made available on the Office of the Governor's website.

As proposed, S.B. 1035 amends current law relating to the oversight of state border security activities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Transfers Section 421.0025, Government Code, to Subchapter B, Chapter 421, Government Code, redesignates it as Section 421.0255, Government Code, and amends it as follows:

Sec. 421.0255. New heading BORDER SECURITY ADVISORY COUNCIL. Redesignates Section 421.0025 as Section 421.0255. (a) Provides that the Board Security Advisory Council (advisory council) consists of:

- (1) the executive head of each state agency receiving state appropriations for purposes related to security at or near this state's international border, or the executive head's designee;

(2) representatives of at least three local governmental entities receiving local border security grant funding from the Department of Public Safety of the State of Texas (DPS), appointed by the governor of the State of Texas (governor), or, if fewer than three entities receive that grant funding, representatives of at least one-third of the entities that receive that grant funding, appointed by the governor; and

(3) at least three mayors of municipalities in which state appropriations for purposes related to security at or near this state's international border are spent, appointed by the governor, or representatives designated by those mayors.

Deletes existing text providing that the advisory council consists of members appointed by the governor.

Deletes existing Subsection (a-1) requiring that at least one-third of the members appointed under Subsection (a) be residents of the Texas-Mexico border region, as defined by Section 2056.002.

(b) Requires the advisory council to develop and recommend to the Homeland Security Council, rather than office of the governor, performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated, rather than funds allocated by the office of the governor, for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds. Requires the advisory council to publish on the office of the governor's website the recommendations made to the Homeland Security Council under this subsection.

(c) Requires the advisory council to advise the Homeland Security Council, rather than office of the governor, regarding the allocation of funds, rather than regarding the allocation of funds by the office, for purposes relating to security at or near the state's international boarder.

(d) Changes references to Border Security Council to Border Security Advisory Council and makes no further change.

(e) Changes references to Border Security Council to Border Security Advisory Council and makes no further change.

(f) Changes a reference to Border Security Council to Border Security Advisory Council and makes no further change.

SECTION 2. Amends Section 421.026, Government Code, as follows:

Sec. 421.026. REPORT. Requires the advisory council to annually submit to the governor a report stating:

(1) Makes no change to these subdivisions;

(2) and (3) Makes nonsubstantive changes; and

(4) an assessment of the performance of, reporting requirements for, and allocation of state agency funding for this state's border security activities.

SECTION 3. (a) Provides that the positions of the members of the Border Security Council are abolished on the effective date of this Act.

(b) Requires the governor, as soon as practicable on or after the effective date of this Act, to appoint members of the Border Security Advisory Council under Sections

421.0255(a)(2) and (3), Government Code, as transferred, redesignated, and amended by this Act.

SECTION 4. Effective date: September 1, 2015.