

By: Miles

S.B. No. 1270

A BILL TO BE ENTITLED

AN ACT

relating to the allocation and use of certain border security funding to secure Gulf of Mexico ports.

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. ALLOCATION OF APPROPRIATIONS FOR BORDER SECURITY. (a) In this section:

(1) "Border security appropriation" means an amount of money appropriated or transferred in a General Appropriations Act or another act of the legislature for the purpose of the Texas Border Security Initiative or to otherwise secure the borders of this state.

(2) "Gulf of Mexico port" means a port in this state located on the Gulf of Mexico or on a bay, inlet, or other waterway opening into the Gulf of Mexico.

(b) Notwithstanding any geographic limitation or limitation on covered activities specified by a definition of "border security" provided in a General Appropriations Act or another act of the legislature that applies to a border security appropriation, the term as used in any of those acts includes projects designed for the purpose of securing Gulf of Mexico ports.

(c) Subject to Subsection (d) and except as provided by Subsection (e), the department shall allocate 10 percent of each

1 border security appropriation made to the department to, through  
2 the award of grants under Subchapter P, addressing the security  
3 needs and maintaining the security of Gulf of Mexico ports to  
4 protect this state from acts of terrorism, illegal drug smuggling  
5 activities, human trafficking, and similar acts that would threaten  
6 this state's security and could be effected through this state's  
7 border with the Gulf of Mexico.

8 (d) If a provision of a General Appropriations Act or  
9 another act of the legislature allocates a percentage or an amount  
10 of a border security appropriation made to the department to the  
11 grant program under Subchapter P and the amount resulting from that  
12 provision exceeds the amount that would result from the percentage  
13 specified by Subsection (c) to be allocated to that purpose, the  
14 department shall allocate the greater amount to that purpose.

15 (e) The department is not required under Subsection (c) to  
16 allocate any amount of the total amount of border security  
17 appropriations made to the department in a General Appropriations  
18 Act or another act of the legislature to the purpose specified by  
19 that subsection if:

20 (1) the act makes a separate appropriation to the  
21 department for the grant program under Subchapter P; and

22 (2) the amount of that separate appropriation is equal  
23 to or greater than 10 percent of the sum of that separate  
24 appropriation and all other border security appropriations made to  
25 the department in the act.

26 SECTION 2. Chapter 411, Government Code, is amended by  
27 adding Subchapter P to read as follows:

1 SUBCHAPTER P. GULF OF MEXICO PORT SECURITY GRANT PROGRAM

2 Sec. 411.441. DEFINITIONS. In this subchapter:

3 (1) "Border security appropriation amount" means the  
4 amount of money appropriated or allocated under Section 411.0133 to  
5 the department for a state fiscal biennium for the grant program  
6 under this subchapter.

7 (2) "Gulf of Mexico port" has the meaning assigned by  
8 Section 411.0133.

9 Sec. 411.442. GRANT PROGRAM TO FUND PORT SECURITY PROJECTS.

10 (a) The commission by rule shall develop and the department shall  
11 implement a grant program to provide funding to address the  
12 security needs and maintain the security of Gulf of Mexico ports for  
13 the purpose of protecting this state from acts of terrorism,  
14 illegal drug smuggling activities, human trafficking, and similar  
15 acts that would threaten this state's security and could be  
16 effected through this state's border with the Gulf of Mexico.

17 (b) The department shall use the border security  
18 appropriation amount for a state fiscal biennium to provide grants  
19 under the program during that biennium.

20 (c) The rules adopted under Subsection (a) must provide a  
21 process by which a Gulf of Mexico port may apply for a grant.

22 Sec. 411.443. ELIGIBILITY FOR GRANT. To be eligible for a  
23 grant under this subchapter, a Gulf of Mexico port must:

24 (1) submit an application to the department in  
25 accordance with commission rules;

26 (2) specify in the application each security project  
27 to be funded with the grant money and demonstrate the need for the

1 project;

2 (3) demonstrate in the manner required by the  
3 department that the port is able to provide as local matching money  
4 other money available to the port in an amount at least equal to  
5 33.33 percent of the requested amount of the grant;

6 (4) agree to use the local matching money described by  
7 Subdivision (3) in addition to the grant money for the security  
8 projects specified in the application; and

9 (5) comply with any other requirements specified by  
10 commission rules.

11 Sec. 411.444. MAXIMUM AMOUNT OF GRANT. (a) In this section,  
12 "annual cargo volume proportion" means the proportion a Gulf of  
13 Mexico port's annual cargo volume, measured by tonnage, for a year  
14 bears to the total annual cargo volume, measured by tonnage, of all  
15 Gulf of Mexico ports for the same year.

16 (b) The maximum amount of a grant the department may award  
17 to a Gulf of Mexico port for a state fiscal biennium is an amount  
18 equal to a proportionate share of the border security appropriation  
19 amount for that biennium equal to that port's annual cargo volume  
20 proportion for the year preceding the year in which the port applies  
21 for the grant.

22 Sec. 411.445. EVALUATION OF FUNDED PORT SECURITY PROJECTS.

23 (a) The department shall evaluate and document the effectiveness  
24 of each port security project funded with a grant under this  
25 subchapter in maintaining or increasing the security of this state.

26 The commission by rule shall establish the criteria for purposes of  
27 making the required evaluations.

1        (b) A Gulf of Mexico port to which a grant is awarded under  
2 this subchapter shall collect, maintain, and report relevant data  
3 as required by the department for purposes of an evaluation  
4 required by this section.

5        SECTION 3. Section 411.0133, Government Code, as added by  
6 this Act, applies to an appropriation or transfer of money to the  
7 Department of Public Safety for the purpose of securing the borders  
8 of this state made in an act of the legislature that takes effect  
9 after the effective date of this Act.

10        SECTION 4. The Public Safety Commission shall adopt the  
11 rules required by Subchapter P, Chapter 411, Government Code, as  
12 added by this Act, not later than January 1, 2018.

13        SECTION 5. This Act takes effect September 1, 2017.