86R1657 KLA-D

By:  Miles S.B. No. 181

A BILL TO BE ENTITLED

AN ACT

relating to the 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.  TRANSFER 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 transfer 10 percent of each border security appropriation made to the department to the Parks and Wildlife Department. The Parks and Wildlife Department shall use appropriations transferred under this subsection to administer and award grants through the grant program under Chapter 15, Parks and Wildlife Code, to address the security needs and maintain the security of Gulf of Mexico ports to protect this state from acts of terrorism, illegal drug smuggling activities, human trafficking, and similar acts that would threaten this state's security and could be effected through this state's border with the Gulf of Mexico.

(d)  If a provision of a General Appropriations Act or another act of the legislature allocates a percentage or an amount of a border security appropriation made to the department for transfer to the Parks and Wildlife Department for the purpose of the grant program under Chapter 15, Parks and Wildlife Code, and the amount resulting from that provision exceeds the amount that would result from the percentage specified by Subsection (c) to be transferred for that purpose, the department shall transfer the greater amount.

(e)  The department is not required under Subsection (c) to transfer any amount of the total amount of border security appropriations made to the department in a General Appropriations Act or another act of the legislature to the Parks and Wildlife Department for the purpose specified by that subsection if:

(1)  the act makes a separate appropriation for the purpose of the grant program under Chapter 15, Parks and Wildlife Code; and

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

SECTION 2.  Title 2, Parks and Wildlife Code, is amended by adding Chapter 15 to read as follows:

CHAPTER 15. GULF OF MEXICO PORT SECURITY GRANT PROGRAM

Sec. 15.001.  DEFINITIONS. In this chapter:

(1)  "Border security appropriation amount" means the amount of money appropriated or transferred as described by Section 411.0133, Government Code, to the department for a state fiscal biennium for the grant program under this chapter.

(2)  "Gulf of Mexico port" has the meaning assigned by Section 411.0133, Government Code.

Sec. 15.002.  GRANT PROGRAM TO FUND PORT SECURITY PROJECTS. (a) The commission by rule shall develop and the department shall implement a grant program to provide funding to address the security needs and maintain the security of Gulf of Mexico ports for the purpose of protecting this state from acts of terrorism, illegal drug smuggling activities, human trafficking, and similar acts that would threaten this state's security and could be effected through this state's border with the Gulf of Mexico.

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

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

Sec. 15.003.  ELIGIBILITY FOR GRANT. To be eligible for a grant under this chapter, a Gulf of Mexico port must:

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

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

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

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

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

Sec. 15.004.  MAXIMUM AMOUNT OF GRANT. (a) In this section, "annual cargo volume proportion" means the proportion a Gulf of Mexico port's annual cargo volume, measured by tonnage, for a year bears to the total annual cargo volume, measured by tonnage, of all Gulf of Mexico ports for the same year.

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

Sec. 15.005.  EVALUATION OF FUNDED PORT SECURITY PROJECTS. (a) The department shall evaluate and document the effectiveness of each port security project funded with a grant under this chapter in maintaining or increasing the security of this state. The commission by rule shall establish the criteria for purposes of making the required evaluations.

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

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

SECTION 4.  The Parks and Wildlife Commission shall adopt the rules required by Chapter 15, Parks and Wildlife Code, as added by this Act, not later than January 1, 2020.

SECTION 5.  This Act takes effect September 1, 2019.