

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

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

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

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

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

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

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

7 CHAPTER 15. GULF OF MEXICO PORT SECURITY GRANT PROGRAM

8 Sec. 15.001. DEFINITIONS. In this chapter:

9 (1) "Border security appropriation amount" means the
10 amount of money appropriated or transferred as described by Section
11 411.0133, Government Code, to the department for a state fiscal
12 biennium for the grant program under this chapter.

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

15 Sec. 15.002. GRANT PROGRAM TO FUND PORT SECURITY PROJECTS.

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

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

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

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

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

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

8 (3) demonstrate in the manner required by the
9 department that the port is able to provide as local matching money
10 other money available to the port in an amount at least equal to
11 33.33 percent of the requested amount of the grant;

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

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

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

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

1 Sec. 15.005. EVALUATION OF FUNDED PORT SECURITY PROJECTS.

2 (a) The department shall evaluate and document the effectiveness
3 of each port security project funded with a grant under this chapter
4 in maintaining or increasing the security of this state. The
5 commission by rule shall establish the criteria for purposes of
6 making the required evaluations.

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

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

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

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