

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Guerra, Muñoz, Jr., Raymond, Guillen

H.B. No. 2155

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a grant program to reduce wait times for agricultural  
3 inspections of vehicles at ports of entry along the Texas-Mexico  
4 border.

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

6 SECTION 1. Chapter 12, Agriculture Code, is amended by  
7 adding Section 12.050 to read as follows:

8 Sec. 12.050. TRADE AGRICULTURAL INSPECTION GRANT PROGRAM.

9 (a) Using money appropriated for this purpose or money received  
10 under Subsection (g), the department may make a grant to a nonprofit  
11 organization for the purpose of promoting the agricultural  
12 processing industry in this state by reducing wait times for  
13 agricultural inspections of vehicles at ports of entry along the  
14 border with the United Mexican States.

15 (b) The department shall request proposals for the award of  
16 a grant under this section. The department shall evaluate the  
17 proposals and award a grant based on the proposed program's  
18 quantifiable effectiveness and the potentially positive impact on  
19 the agricultural processing industry in this state.

20 (c) A grant awarded under this section must be made to an  
21 organization that has demonstrated experience working with border  
22 inspection authorities to reduce border crossing wait times.

23 (d) A grant recipient may use grant money received under  
24 this section only to pay for activities directly related to the

1 purpose of the grant program as described by Subsection (a). A  
2 grant recipient may use grant money to reimburse a federal  
3 governmental agency that, at the request of the grant recipient,  
4 provides additional border agricultural inspectors or pays  
5 overtime to border agricultural inspectors at ports of entry along  
6 the border with the United Mexican States.

7 (e) The department shall establish procedures to administer  
8 the grant program, including a procedure for the submission of a  
9 proposal and a procedure to be used by the department to evaluate a  
10 proposal.

11 (f) The department shall enter into a contract that includes  
12 performance requirements with each grant recipient. The department  
13 shall monitor and enforce the terms of the contract. The contract  
14 must authorize the department to recoup grant money from a grant  
15 recipient for failure of the grant recipient to comply with the  
16 terms of the contract.

17 (g) The department may solicit and accept gifts, grants, and  
18 donations from any source for the purpose of awarding grants under  
19 this section.

20 (h) To be eligible to receive a grant under this section, a  
21 nonprofit organization must provide matching funds. The department  
22 may not award a grant to a nonprofit organization until the  
23 department certifies that the nonprofit organization has the  
24 matching funds. The amount of the grant may not exceed the amount  
25 of matching funds. The department may not require a nonprofit  
26 organization to provide matching funds in an amount that exceeds  
27 the amount of the grant.

1       (i) The total amount of grants awarded under this section  
2 may not exceed \$725,000 for the duration of the program.

3       (j) The department may adopt any rules necessary to  
4 implement this section.

5       (k) Not later than January 15, 2021, the department shall  
6 evaluate the performance of the program under this section and  
7 submit a report to the legislature. The report must include an  
8 evaluation of agricultural inspections affected by the program,  
9 including the extent to which the program is reducing wait times for  
10 agricultural inspections of vehicles at ports of entry along the  
11 border with the United Mexican States.

12       (l) Unless continued in existence by the legislature, this  
13 section expires September 1, 2021.

14       SECTION 2. This Act takes effect September 1, 2019.

ADOPTED

MAY 21 2019

By: Guerra/Lucio

Atty. Gen. Paul  
Secretary of the Senate 2155

Substitute the following for \_\_\_ .B. No. \_\_\_ :

By: Ernie L. ... Jr.

C.S. \_\_\_ .B. No. \_\_\_

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14 along the border with the United Mexican States.

15 (b) The department shall request proposals for the award of  
16 a grant under this section. The department shall evaluate the  
17 proposals and award a grant based on the proposed program's  
18 quantifiable effectiveness and the potentially positive impact on  
19 the agricultural processing industry in this state.

20 (c) A grant awarded under this section must be made to an  
21 organization that has demonstrated experience working with border  
22 inspection authorities to reduce border crossing wait times.

23 (d) A grant recipient may use grant money received under  
24 this section only to pay for activities directly related to the

1 purpose of the grant program as described by Subsection (a). A  
2 grant recipient may use grant money to reimburse a federal  
3 governmental agency that, at the request of the grant recipient,  
4 provides additional border agricultural inspectors or pays  
5 overtime to border agricultural inspectors at ports of entry along  
6 the border with the United Mexican States.

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9 proposal and a procedure to be used by the department to evaluate  
10 a proposal.

11 (f) The department shall enter into a contract that includes  
12 performance requirements with each grant recipient. The  
13 department shall monitor and enforce the terms of the contract.  
14 The contract must authorize the department to recoup grant money  
15 from a grant recipient for failure of the grant recipient to comply  
16 with the terms of the contract.

17 (g) The department may solicit and accept gifts, grants, and  
18 donations from any source for the purpose of awarding grants under  
19 this section.

20 (h) To be eligible to receive a grant under this section, a  
21 nonprofit organization must provide matching funds. The  
22 department may not award a grant to a nonprofit organization until  
23 the department certifies that the nonprofit organization has the  
24 matching funds. The amount of the grant may not exceed the amount  
25 of matching funds. The department may not require a nonprofit  
26 organization to provide matching funds in an amount that exceeds  
27 the amount of the grant.

1        (i) The total amount of grants awarded under this section  
2 may not exceed \$725,000 for the duration of the program.

3        (j) The department may adopt any rules necessary to  
4 implement this section.

5        (k) Not later than January 15, 2021, the department shall  
6 evaluate the performance of the program under this section and  
7 submit a report to the legislature. The report must include an  
8 evaluation of agricultural inspections affected by the program,  
9 including the extent to which the program is reducing wait times  
10 for agricultural inspections of vehicles at ports of entry along  
11 the border with the United Mexican States.

12        (l) Unless continued in existence by the legislature, this  
13 section expires September 1, 2021.

14        SECTION 2. The Department of Agriculture is required to  
15 implement a provision of this Act only if the legislature  
16 appropriates money specifically for that purpose. If the  
17 legislature does not appropriate money specifically for that  
18 purpose, the department may, but is not required to, implement a  
19 provision of this Act using other appropriations available for  
20 that purpose.

21        SECTION 3. This Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 22, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2155** by Guerra (Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2155, As Passed 2nd House: a negative impact of (\$725,000) through the biennium ending August 31, 2021.

**The Department of Agriculture is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.**

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2020	(\$725,000)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from <i>General Revenue Fund</i> 1</b>
2020	(\$725,000)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

## **Fiscal Analysis**

The bill would amend the Agriculture Code to allow the Texas Department of Agriculture (TDA) to make a grant to a non-profit organization of up to \$725,000, using either funds appropriated for this purpose or funds received as a gift, grant or donation, for the purpose of reducing wait times for agricultural inspections of vehicles along the Texas-Mexico border.

TDA would be directed to request grant proposals and to assess the proposals based on the proposed program's quantifiable effectiveness. The grant would be required to be awarded to an organization with experience working with border inspection authorities to reduce wait times for border crossing and the grant recipient would be required to provide matching funds. TDA would be required to enter into a contract with the grant recipient that enables TDA to recoup grant funding if the grant recipient fails to comply with the terms of the contract. TDA would be required to evaluate the performance of the program and to submit a report to the Legislature no later than January 15, 2021.

Unless continued in existence by the Legislature, TDA's authority to issue this grant would expire on September 1, 2021. The bill would take effect September 1, 2019.

## **Methodology**

For the purpose of this analysis, it is assumed that TDA would need \$725,000 in General Revenue to issue a grant and would issue that grant in fiscal year 2020. Based on information provided by TDA, duties and responsibilities associated with implementing the provisions of the bill, apart from the cost of the funds to be granted, could be accomplished with existing resources.

## **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 551 Department of Agriculture

**LBB Staff:** WP, AF, SD, SZ, MW, PBO



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 15, 2019**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
 Legislative Budget Board

**IN RE: HB2155** by Guerra (Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2155, Committee Report 2nd House, Substituted: a negative impact of (\$725,000) through the biennium ending August 31, 2021.

**The Department of Agriculture is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.**

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$725,000)
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1
2020	(\$725,000)
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## **Fiscal Analysis**

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**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION  
Revision 1**

**May 14, 2019**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2155** by Guerra (Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2155, As Engrossed: a negative impact of (\$725,000) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$725,000)
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**LBB Staff:** WP, AF, SD, SZ, MW, PBO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**April 13, 2019**

**TO:** Honorable Drew Springer, Chair, House Committee on Agriculture & Livestock

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB2155** by Guerra (Relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2155, As Introduced: a positive impact of \$725,000 through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	\$725,000
2021	\$0
2022	\$0
2023	\$0
2024	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable (Cost) from <i>General Revenue Fund</i> 1
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