

BILL ANALYSIS

Senate Research Center

C.S.H.B. 2155
By: Guerra et al. (Lucio)
Intergovernmental Relations
5/15/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns were raised regarding long wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border due to a lack of a sufficient number of federal inspectors. It has been noted that this has caused congestion in the stream of commerce that negatively affects the state's economy. These delays often left agricultural products rotting at inspection facilities rather than in the hands of the consumers who need them. S.B. 797 was passed to help reduce inspection times for agricultural products by funding the partnership between the Texas Department of Agriculture, STAC and border inspection facilities. Produce imports coming through Texas ports of entry have more than doubled in the last seven years. C.S.H.B. 2155 is identical to S.B. 797, which passed during the 84th Legislature. The committee substitute for H.B. 2155 differs from the original bill by including the Nelson fiscal responsibility amendment language.

C.S.H.B. 2155 amends current law relating to a grant program to reduce wait times for agricultural inspections of vehicles at ports of entry along the Texas-Mexico border.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 (Section 12.050, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 12, Agriculture Code, by adding Section 12.050, as follows:

Sec. 12.050. TRADE AGRICULTURE INSPECTION GRANT PROGRAM. (a) Authorizes the Texas Department of Agriculture (TDA), using money appropriated for this purpose or money received under Subsection (g), to make a grant to a nonprofit organization for the purpose of promoting the agricultural processing industry in this state by reducing wait times for agricultural inspections of vehicles at ports of entry along the border with the United Mexican States.

(b) Requires TDA to request proposals for the award of a grant under this section. Requires TDA to evaluate the proposals and award a grant based on the proposed program's quantifiable effectiveness and the potentially positive impact on the agricultural processing industry in this state.

(c) Requires a grant awarded under this section to be made to an organization that has demonstrated experience working with border inspection authorities to reduce border crossing wait times.

(d) Authorizes a grant recipient to use grant money received under this section only to pay for activities directly related to the purpose of the grant program as described by Subsection (a). Authorizes a grant recipient to use grant money to reimburse a federal governmental agency that, at the request of the grant recipient, provides additional border agricultural inspectors or pays overtime to border agricultural inspectors at ports of entry along the border with the United Mexican States.

(e) Requires TDA to establish procedures to administer the grant program, including a procedure for the submission of a proposal and a procedure to be used by TDA to evaluate a proposal.

(f) Requires TDA to enter into a contract that includes performance requirements with each grant recipient. Requires TDA to monitor and enforce the terms of the contract. Requires the contract to authorize TDA to recoup grant money from a grant recipient for failure of the grant recipient to comply with the terms of the contract.

(g) Authorizes TDA to solicit and accept gifts, grants, and donations from any source for the purpose of awarding grants under this section.

(h) Requires a nonprofit organization, to be eligible to receive a grant under this section, to provide matching funds. Prohibits TDA from awarding a grant to a nonprofit organization until TDA certifies that the nonprofit organization has the matching funds. Prohibits the amount of the grant from exceeding the amount of matching funds. Prohibits TDA from requiring a nonprofit organization to provide matching funds in an amount that exceeds the amount of the grant.

(i) Prohibits the total amount of grants awarded under this section from exceeding \$725,000 for the duration of the program.

(j) Authorizes TDA to adopt any rules necessary to implement this section.

(k) Requires TDA, not later than January 15, 2021, to evaluate the performance of the program under this section and submit a report to the legislature. Requires the report to include an evaluation of agricultural inspections affected by the program, including the extent to which the program is reducing wait times for agricultural inspections of vehicles at ports of entry along the border with the United Mexican States.

(l) Provides that, unless continued in existence by the legislature, this section expires September 1, 2021.

SECTION 2. Provides that TDA is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TDA, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. Effective date: September 1, 2019.