

## **BILL ANALYSIS**

C.S.H.B. 979  
By: Guerra  
Agriculture & Livestock  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Federal agents are responsible for agricultural inspections at commercial points of entry along the international border with Mexico. Interested parties contend that the lack of a sufficient number of these agents has caused exceptional congestion in the stream of commerce affecting Texas. The parties further assert that because a new super highway in Mexico is expected to divert a significant number of produce shipments from Arizona to Texas it is essential that the state act to ease the congestion and help increase international trade. C.S.H.B. 979 seeks to address this issue.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 979 amends the Agriculture Code to authorize the Department of Agriculture (TDA), using money appropriated for this purpose or money received under the bill's provisions, to make a grant to a nonprofit organization for the purpose of promoting the agricultural processing industry in Texas by reducing wait times for agricultural inspections of vehicles at ports of entry along the border with the United Mexican States. The bill requires the TDA to request proposals for the award of a grant, 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 Texas.

C.S.H.B. 979 requires an awarded grant to be made to an organization that has demonstrated experience working with border inspection authorities to reduce border crossing wait times. The bill restricts the use of grant money by a grant recipient to payment for activities directly related to the grant program's purpose. The bill 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.

C.S.H.B. 979 requires the TDA to establish procedures to administer the grant program. The bill requires the TDA to enter into a contract that includes performance requirements with each grant recipient and to monitor and enforce the terms of the contract. The bill requires the contract to authorize the TDA to recoup grant money from a grant recipient for failure of the grant recipient to comply with the terms of the contract. The bill authorizes the TDA to solicit and accept gifts,

grants, and donations from any source for the purpose of awarding grants under the bill's provisions. The bill requires a nonprofit organization to provide matching funds in order to be eligible to receive a grant and caps the amount of the grant at the amount of matching funds. The bill prohibits the TDA from requiring a nonprofit organization to provide matching funds in an amount that exceeds the amount of the grant. The bill authorizes the TDA to adopt any rules necessary to implement the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 979 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

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

Sec. 12.050. BORDER AGRICULTURAL INSPECTION GRANT PROGRAM. (a) Using money appropriated for this purpose, the department may 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) The department shall request proposals for the award of a grant under this section. The department shall 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) A grant awarded under this section must be made to an organization that has demonstrated experience working with border inspection authorities to reduce border crossing wait times.

(d) A grant recipient may 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). A grant recipient may use grant money to reimburse a federal governmental agency that, at the request of the grant recipient, provides additional border agricultural inspectors or pays

#### **HOUSE COMMITTEE SUBSTITUTE**

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

Sec. 12.050. TRADE AGRICULTURAL INSPECTION GRANT PROGRAM. (a) Using money appropriated for this purpose or money received under Subsection (g), the department may 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) The department shall request proposals for the award of a grant under this section. The department shall 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) A grant awarded under this section must be made to an organization that has demonstrated experience working with border inspection authorities to reduce border crossing wait times.

(d) A grant recipient may 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). A grant recipient may 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) The department shall establish procedures to administer the grant program, including a procedure for the submission of a proposal and a procedure to be used by the department to evaluate a proposal.

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

overtime to border agricultural inspectors at ports of entry along the border with the United Mexican States.

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

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

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

(h) To be eligible to receive a grant under this section, a nonprofit organization must provide matching funds. The amount of the grant may not exceed the amount of matching funds. The department may not require a nonprofit organization to provide matching funds in an amount that exceeds the amount of the grant.

(i) The department may adopt any rules necessary to implement this section.

SECTION 2. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.