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Pre-Filed Amendment Floor Report - Thursday, May 20, 2021

Author	Analysis	Recommendation
<p>SB 703 Pre-Filed Amendments - Thursday, May 20, 2021 Author: Buckingham Hall Lucio Paxton Sponsor: Canales</p>		
<p>King, Tracy E870294</p>	<p>This amendment adds a section to the bill and amends the amount of time that someone has to harvest hemp after the date a pre-harvest sample is collected, from 20 days to 30 days. This change in statute is necessary to ensure that Texas guidelines are up to date with federal guidelines.</p>	<p>Favorable Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>King, Ken E870297</p>	<p>To participate in the National School Lunch Program, schools must apply to become what is known as a “school food authority” (SFA) in order to receive Federal funds and food services, which are administered by food service management companies under Federal law. This amendment allows SFAs (schools) more power in contracting with food service management companies and requires an efficiency audit for Federal food nutrition programs under the Texas Department of Agriculture (TDA).</p> <p>When an SFA is determining the best bid or proposal from food service management companies, they are required to consider best purchase price and whether the contractor can meet their specifications, are permitted to consider several types of contracts, and may also consider the quality and reliability of services offered and other performance indicators. The amendment also extends administrative authority to food service management companies, but an SFA would maintain authority to terminate a food service management company’s ability to act as an agent and is authorized to bring legal action, including seeking damages, against any breach of duty resulting from this type of arrangement.</p>	<p>Will of the House Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>

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	<p>The State Auditor’s Office would be required to conduct an efficiency audit on TDA’s food and nutrition division, which must determine if TDA resources are being used efficiently to meet school district needs and must identify opportunities for improving services through consolidation of essential functions, outsourcing, and elimination of duplicative efforts. The audit will investigate the quality, choice, and nutritional balance of food provided and identify cost savings or reallocations of resources. Using audit results, the state auditor and the TDA commissioner will recommend improvements for food and nutrition programs and submit findings in a report to the governor, the Legislative Budget Board, the TDA commissioner, and chairs of the standing committees primarily overseeing TDA in the House and Senate. TDA must use state funds appropriated for auditing purposes to cover associated costs, and failing to pay will result in TDA’s funding being reduced to their baseline budget in the following fiscal year.</p>	
<p>King, Ken E870298</p>	<p>This amendment is a portion of amendment E870297, and it allows School Food Authorities (SFAs) to authorize food service management companies to act as an agent for purposes of performing administrative functions. An SFA would maintain authority to terminate a food service management company’s ability to act as an agent and is authorized to bring legal action, including seeking damages, against any breach of duty resulting from this type of arrangement. This change would provide additional administrative resources to SFAs.</p>	<p><u>Will of the House</u> Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>King, Ken E870299</p>	<p>This amendment is a portion of amendment E870297, and it provides School Food Authorities (SFAs) with more oversight in contracting with the food service management companies responsible for implementing federal food and nutrition programs. When an SFA is determining the best bid or proposal to meet their needs, they would be required to consider the purchase price and whether goods or services meet their specifications. SFAs could permissively consider several types of contracts, including the relative value they would receive from cost reimbursement or fixed process contract, and may also consider the quality and reliability of services and other performance indicators. This change would allow SFAs more flexibility and oversight in choosing contractors.</p>	<p><u>Will of the House</u> Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>King, Ken E870300</p>	<p>This amendment is a portion of amendment E870297, and it requires the State Auditor’s Office to conduct an efficiency audit of the food and nutrition division under the Texas Department of Agriculture (TDA) every 4 years. TDA would be required to pay any associated costs using state funds appropriated for auditing purposes, and failure to pay would result in TDA’s auditing budget being reduced to the baseline amount in the next fiscal year. The audit must determine if TDA resources are being used efficiently to meet school district needs and must identify opportunities for improving services through consolidation of essential functions, outsourcing, and elimination of duplicative efforts. The audit will also investigate the quality, choice, and nutritional balance of food provided and identify cost savings or reallocations of resources. Using audit results, the state auditor and the TDA commissioner will recommend improvements for food and nutrition programs and submit findings in a report to the governor, the Legislative Budget Board, the TDA commissioner, and chairs of the standing committees primarily overseeing TDA in the House and Senate.</p>	<p><u>Will of the House</u> Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>
<p>Goldman E870301</p>	<p>This amendment would move all of the programs that are under Title 3 of the Agriculture Code to the Texas Economic Development and Tourism Office within the Office of the governor. Some of those programs are the GO TEXAN program, Agriculture Technology Program, Food and Fibers Research Grant Program, and the Commodity Producers Board. Moving these programs and others that fall under Title 3 of the Agriculture Code, was not a recommendation made by the Sunset Review Board. This stems from concerns regarding the GO TEXAN program, however, those concerns should be addressed within the agency.</p>	<p><u>Unfavorable</u> Evaluated by: Victoria McDonough (251)422-0558 Victoria@TexasLSG.org</p>



SB 713 Pre-Filed Amendments - Thursday, May 20, 2021

Author: Buckingham

Sponsor: Cyrier

<p>Cyrier E870295</p>	<p>This amendment clarifies procedures for abolished state agencies, establishes several across-the-board recommendations for agencies under review, and repeals several redundant sections of statute. The amendment clarifies that all legal interests of an abolished state agency are transferred to the comptroller on the date the state agency is terminated and that, after an agency is abolished, the governor is responsible for administering any law previously administered by the agency.</p> <p>The amendment establishes several across the board recommendations for most agencies with a policymaking body that are subject to periodic sunset review, most of which were included in HB 1575 and approved by the House on April 14. These recommendations include:</p> <ul style="list-style-type: none"> • Barring those with significant financial or professional conflicts of interest from membership on an agency’s policy making body • Barring lobbyists for an industry regulated by the agency or those with ties to related trade associations from membership on a policymaking body or particular positions in the agency • Authorizing the governor to designate each policy making body’s presiding officer if all members are appointed • Establishing uniform grounds for removal of a member of a policymaking body and a process for notifying the appropriate authority of such grounds • Requiring that members of policymaking bodies undergo training prior to serving and that each executive agency head create a training manual • Having policymaking bodies establish a clear separation of their duties from those of agency staff • Providing the public reasonable opportunity to speak before the policymaking body on issues related to the agency; and • Requiring the policymaking body to maintain an efficient system to promptly address complaints filed with the agency <p>While HB 1575 excluded some agencies from these requirements based on inapplicability, this amendment adds the School Land Board, the Veterans’ Land Board, and the Railroad Commission (RRC) to excluded agencies. There have been concerns that RRC commissioners and the land commissioner, who serves on the two land boards, may have compromising financial stakes in the industries they regulate, which is the very problem that these recommendations are designed to address. Additionally, this amendment clarifies that licensed healthcare professionals or employees of healthcare trade associations are disqualified from serving as public members of the policymaking bodies that regulate healthcare industries. It does not stipulate that the person must be licensed by the body in question or work for a trade association specific to the particular body to be disqualified.</p> <p>The amendment also repeals 322 sections of statute that address the above recommendations for individual agencies. This will ensure that recommendations are uniformly and universally applied.</p>	<p><u>Favorable with Concerns</u> Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
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<p>Cyrier E870296</p>	<p>This amendment would postpone the 2023 sunset review of the Texas State Affordable Housing Corporation until 2025, whereas the current bill moves it to 2027. It would also remove the requirement for the Texas Low-Level Radioactive Waste Disposal (TLLRWD) Compact Commission to undergo sunset review, as it is an independent entity established by federal law and governed by the TLLRWD compact. Since it is not a state agency, the sunset commission would have little ability to recommend significant changes.</p>	<p>Favorable Evaluated by: Hannah Hall (832) 425-1224 Hannah@TexasLSG.org</p>
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