

House Bill 5
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. The heading to Section 322.007, Government Code, is amended to read as follows:

Sec. 322.007. ESTIMATES, [AND] REPORTS, AND INFORMATION.

SECTION 2. Sections 322.007(a) and (b), Government Code, are amended to read as follows:

(a) Each institution, department, agency, officer, employee, or agent of the state shall submit:

(1) any estimate or report relating to appropriations requested by the board or under the board's direction; and

(2) any information requested by the board in connection with a strategic fiscal review.

(b) Each estimate, ~~or~~ report, or item of information shall be submitted at a time set by the board and in the manner and form prescribed by board rules.

SECTION 3. Chapter 322, Government Code, is amended by adding Section 322.0175 to read as follows:

Sec. 322.0175. STRATEGIC FISCAL REVIEWS OF STATE AGENCIES. (a) Not later than September 1 of each odd-numbered year, the director shall recommend to the board state agencies to undergo strategic fiscal review before the next regular legislative session.

(b) The board shall select the state agencies to undergo strategic fiscal review and conduct the reviews with the assistance of the director.

(c) Not later than the seventh day after the date a regular legislative session convenes, the board shall submit to the legislature written reports of the findings of each strategic

SENATE VERSION (CS)

No equivalent provision.

No equivalent provision.

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.0175 to read as follows:

Sec. 322.0175. STRATEGIC FISCAL REVIEW OF STATE AGENCIES AND PROGRAMS. (a) The board shall perform a strategic fiscal review for each state agency currently the subject of Sunset Advisory Commission review under Chapter 325, Government Code.

(b) The board shall prepare and submit a report of the findings of the strategic fiscal review by September 1 of the even-numbered year of the biennium during which the review is conducted to the governor, lieutenant governor, and speaker of the house of representatives and to the members of the senate finance and house appropriations committees.

CONFERENCE

House Bill 5
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

fiscal review conducted by the board since the previous legislative session.

(d) The board shall include in the written report of the findings of a strategic fiscal review:

(1) a description of the discrete activities the state agency is charged with conducting or performing together with:

(A) a justification for each activity by reference to a statute or other legal authority; and

(B) an evaluation of the effectiveness and efficiency of the state agency's policies, management, fiscal affairs, and operations in relation to each activity;

(2) for each activity identified under Subdivision (1):

(A) a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated;

(B) an itemized account of expenditures required to maintain the activity at the minimum level of service or performance required by the statute or other legal authority, together with a concise statement of the quantity and quality of service or performance required at that minimum level; and

(C) an itemized account of expenditures required to maintain the activity at the current level of service or performance, together with a concise statement of the quantity and quality of service or performance provided at that current level;

(3) a ranking of activities identified under Subdivision (1) that illustrates the relative importance of each activity to the overall goals and purposes of the state agency at current service or performance levels; and

(4) recommendations to the legislature regarding whether the

SENATE VERSION (CS)

(c) The strategic fiscal review report must contain:

(1) a description of the discrete activities the state agency is charged with conducting or performing together with:

(A) a justification for each activity by reference to a statute or other legal authority; and

(B) an evaluation of the effectiveness and efficiency of the state agency's policies, management, fiscal affairs, and operations in relation to each activity;

(2) for each activity identified under Subdivision (1),

a quantitative estimate of any adverse effects that reasonably may be expected to result if the activity were discontinued, together with a description of the methods by which the adverse effects were estimated;

(3) for each activity identified under Subdivision (1), an itemized account of expenditures required to maintain the activity at the minimum level of service or performance required by the statute or other legal authority, together with a concise statement of the quantity and quality of service or performance required at that minimum level;

(4) for each activity identified under Subdivision (1), an itemized account of expenditures required to maintain the activity at the current level of service or performance, together with a concise statement of the quantity and quality of service or performance provided at that current level;

(5) a ranking of activities identified under Subdivision (1) that illustrates the relative importance of each activity to the overall goals and purposes of the state agency at current service or performance levels; and

(6) recommendations to the legislature regarding whether the

CONFERENCE

House Bill 5
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

legislature should continue funding each activity identified under Subdivision (1) and, if so, at what level.

(e) The legislature may consider reports of the findings of strategic fiscal reviews in connection with the legislative appropriation process.

(f) The legislature may consider a state agency's compliance with the strategic fiscal review process in making appropriations to that agency.

(g) Until the board has completed a strategic fiscal review under this section, all information, documentary or otherwise, prepared or maintained in conducting the strategic fiscal review or preparing the strategic fiscal review report, including intra-agency and interagency communications and drafts of the strategic fiscal review report or portions of those drafts, is excepted from required public disclosure as audit working papers under Section 552.116. This subsection does not affect whether information described by this subsection is confidential or excepted from required public disclosure under a law other than Section 552.116.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

SENATE VERSION (CS)

legislature should continue funding each activity identified under Subdivision (1) and, if so, at what level.

(d) The legislature may consider the strategic fiscal review reports in connection with the legislative appropriations process.

(e) Until the board has completed a strategic fiscal review under this section, all information, documentary or otherwise, prepared or maintained in conducting the strategic fiscal review or preparing the strategic fiscal review report, including intra-agency and interagency communications and drafts of the strategic fiscal review report, or portions of those drafts, is excepted from required public disclosure as audit working papers under Section 552.116. This subsection does not affect whether information described by this subsection is confidential or excepted from required public disclosure under a law other than Section 552.116.

SECTION 2. Same as House version.

CONFERENCE