

All Published Pre-filed Amendments for SB 703

Goldman

Amendment	E870301
Amendment	E870302

King, Ken

Amendment	E870297
Amendment	E870298
Amendment	E870299
Amendment	E870300

King, Tracy O.

Amendment	E870294
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**The following 7 amendments were
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E870301

21 May-19 AM 09:36
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Goldman

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. The heading to Title 3, Agriculture Code, is
5 amended to read as follows:

6 TITLE 3. TEXAS ECONOMIC DEVELOPMENT AND TOURISM OFFICE:

7 AGRICULTURAL RESEARCH AND PROMOTION

8 SECTION _____. Title 3, Agriculture Code, is amended by
9 adding Chapter 40 to read as follows:

10 CHAPTER 40. ADMINISTRATION OF TITLE

11 Sec. 40.001. DEFINITIONS. Notwithstanding Section 1.003,
12 in this title:

13 (1) "Commissioner" means the executive director of the
14 economic development office.

15 (2) "Department" means the economic development
16 office.

17 (3) "Economic development office" means the Texas
18 Economic Development and Tourism Office within the office of the
19 governor.

20 Sec. 40.002. ADMINISTRATION BY TEXAS ECONOMIC DEVELOPMENT
21 AND TOURISM OFFICE. Notwithstanding any other law:

22 (1) the economic development office shall administer
23 this title;

24 (2) the executive director of the economic development
25 office has the powers and duties assigned by this title to the
26 commissioner of agriculture; and

27 (3) the economic development office has the powers and
28 duties assigned by this title to the Department of Agriculture.

29 SECTION _____. (a) In this section, "economic development

1 office" means the Texas Economic Development and Tourism Office
2 within the office of the governor.

3 (b) The economic development office assumes all of the
4 obligations, property, rights, powers, and duties of the Department
5 of Agriculture under Title 3, Agriculture Code, as they exist
6 immediately before the effective date of this Act. All unexpended
7 and unobligated funds under the management of the Department of
8 Agriculture allocated for the purpose of Title 3, Agriculture Code,
9 are transferred to the general revenue fund for the purpose of the
10 economic development office administering Title 3, Agriculture
11 Code.

12 (c) The Department of Agriculture and the economic
13 development office shall, in consultation with appropriate state
14 entities, ensure that the transfer of the obligations, property,
15 rights, powers, and duties of the Department of Agriculture under
16 Title 3, Agriculture Code, to the economic development office is
17 completed not later than September 1, 2022.

18 (d) All rules of the Department of Agriculture under Title
19 3, Agriculture Code, are continued in effect as rules of the
20 economic development office until superseded by a rule of the
21 economic development office.



E870302

21 May-19 AM 09:52
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Goldman

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 Sec. _____. PUBLICITY OF INDIVIDUALS PROHIBITED. A state
5 officer, including the commissioner, or an officer or employee of
6 the department, may not appear in an advertisement or promotion
7 for the department that is sponsored by the department. An
8 advertisement or promotion for the department may not contain the
9 likeness or name of a state officer, including the commissioner,
10 or an officer or employee of the department.



E870297

21 May-19 AM 09:20
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: King of Hemphill

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 12, Agriculture Code, is amended by
5 adding Sections 12.0022, 12.0023, and 12.0024 to read as follows:

6 Sec. 12.0022. NUTRITION PROGRAMS: SCHOOL FOOD AUTHORITY
7 SELECTION OF FOOD SERVICE MANAGEMENT COMPANY. (a) In this section:

8 (1) "Food service management company" and "school food
9 authority" have the meanings assigned by 7 C.F.R. Subtitle B,
10 Chapter II.

11 (2) "Nutrition program" means a program described by
12 Section 12.0025.

13 (b) This section applies to a school food authority that
14 uses competitive bidding, competitive sealed proposals, or a
15 request for proposals to award a contract to a food service
16 management company for purposes of a nutrition program.

17 (c) In determining which bid or proposal offers the best
18 value for the school food authority, the school food authority:

19 (1) may consider cost reimbursable and fixed price
20 contracts as authorized by federal law;

21 (2) shall primarily consider the purchase price and
22 the extent to which the offeror's goods or services meet the school
23 food authority's specifications; and

24 (3) may, in addition to the factors described by
25 Subdivision (2), consider other relevant factors including:

26 (A) the relative value received by the school
27 food authority under a cost reimbursable contract and a fixed price
28 contract;

29 (B) the quality and reliability of the offeror's

1 goods or services; and

2 (C) indicators of probable offeror performance
3 under the contract, such as:

4 (i) past offeror performance;

5 (ii) the offeror's financial resources;

6 (iii) the offeror's ability to perform; and

7 (iv) the offeror's experience or
8 demonstrated capability in providing the goods or services.

9 Sec. 12.0023. NUTRITION PROGRAMS: FOOD SERVICE MANAGEMENT
10 COMPANY AS AGENT FOR SCHOOL FOOD AUTHORITY. (a) In this section:

11 (1) "Food service management company" and "school food
12 authority" have the meanings assigned by 7 C.F.R. Subtitle B,
13 Chapter II.

14 (2) "Nutrition program" means a program described by
15 Section 12.0025.

16 (b) A school food authority may by contract authorize a food
17 service management company to act as agent in performing designated
18 administrative functions related to a nutrition program, including
19 communicating directly with the department regarding contractual
20 or regulatory matters.

21 (c) A school food authority:

22 (1) retains authority over and responsibility for any
23 function not delegated to a food service management company as
24 provided by Subsection (b);

25 (2) may renew, modify, or terminate a food service
26 management company's authority to act as agent with respect to any
27 function; and

28 (3) may seek and obtain any available legal remedy,
29 including damages, in the event of a breach of duty by the food
30 service management company.

31 Sec. 12.0024. NUTRITION PROGRAMS: FOOD AND NUTRITION

1 DIVISION EFFICIENCY AUDIT. (a) For purposes of this section,
2 "efficiency audit" means an investigation of the operations of the
3 department's food and nutrition division by the state auditor to
4 examine fiscal management, efficiency, and outcomes for children
5 and families served by the department's public school food and
6 nutrition programs, including consistency and quality of
7 communications with stakeholders and the utilization of federal
8 resources.

9 (b) During the state fiscal year ending August 31, 2022, and
10 every fourth year after that date, the state auditor shall conduct
11 an efficiency audit.

12 (c) In a year in which an efficiency audit is completed as
13 required by this section, the efficiency audit may satisfy, to the
14 extent applicable, the department's annual internal audit
15 requirements under Chapter 2102, Government Code.

16 (d) The department shall pay the costs associated with an
17 efficiency audit required under this section using money
18 appropriated for administrative and internal audit operations in
19 the state fiscal year the audit is conducted.

20 (e) If the department fails to pay the costs associated with
21 an efficiency audit as required by Subsection (d), the amount
22 appropriated to the department by the legislature for the next
23 state fiscal biennium may not exceed the department's baseline
24 budget.

25 (f) Not later than March 1 of the state fiscal year in which
26 an efficiency audit is required under this section, the state
27 auditor and commissioner, in collaboration with the food and
28 nutrition division of the department, shall assess and recommend
29 improvements to the efficiency of services and communications with
30 stakeholders associated and involved with the department's food and
31 nutrition programs.

1 (g) The state auditor shall complete the efficiency audit
2 not later than the 90th day after the date the audit is initiated.

3 (h) The state auditor and commissioner, in collaboration
4 with public schools and other food and nutrition program
5 stakeholders, shall establish the scope of the efficiency audit and
6 determine the areas of investigation for the audit, including:

7 (1) reviewing the department's resources to determine
8 whether they are being used effectively and efficiently to achieve
9 desired outcomes for rural and urban school districts;

10 (2) reviewing the quality, choice, and nutritional
11 balance of food prepared and provided to children and the impact to
12 rural and urban families served by the food and nutrition division
13 of the department;

14 (3) identifying cost savings or reallocations of
15 resources; and

16 (4) identifying opportunities for improving services
17 through consolidation of essential functions, outsourcing, and
18 elimination of duplicative efforts.

19 (i) Not later than November 1 of the calendar year an
20 efficiency audit is conducted, the state auditor shall prepare and
21 submit a report of the audit and recommendations for efficiency
22 improvements to the governor, the Legislative Budget Board, the
23 commissioner, and the chairs of the standing committees of the
24 senate and house of representatives with primary jurisdiction over
25 the department.



E870298

21 May-19 AM 09:21
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: King of Hemphill

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION ____ Chapter 12, Agriculture Code, is amended by
5 adding Section 12.0024 to read as follows:

6 Sec. 12.0024. NUTRITION PROGRAMS: FOOD SERVICE MANAGEMENT
7 COMPANY AS AGENT FOR SCHOOL FOOD AUTHORITY. (a) In this section:

8 (1) "Food service management company" and "school food
9 authority" have the meanings assigned by 7 C.F.R. Subtitle B,
10 Chapter II.

11 (2) "Nutrition program" means a program described by
12 Section 12.0025.

13 (b) A school food authority may by contract authorize a food
14 service management company to act as agent in performing designated
15 administrative functions related to a nutrition program, including
16 communicating directly with the department regarding contractual
17 or regulatory matters.

18 (c) A school food authority:

19 (1) retains authority over and responsibility for any
20 function not delegated to a food service management company as
21 provided by Subsection (b);

22 (2) may renew, modify, or terminate a food service
23 management company's authority to act as agent with respect to any
24 function; and

25 (3) may seek and obtain any available legal remedy,
26 including damages, in the event of a breach of duty by the food
27 service management company.



E870299

21 May-19 AM 09:22
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: King of Hemphill

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 12, Agriculture Code, is amended by
5 adding Section 12.0023 to read as follows:

6 Sec. 12.0023. NUTRITION PROGRAMS: SCHOOL FOOD AUTHORITY
7 SELECTION OF FOOD SERVICE MANAGEMENT COMPANY. (a) In this section:

8 (1) "Food service management company" and "school food
9 authority" have the meanings assigned by 7 C.F.R. Subtitle B,
10 Chapter II.

11 (2) "Nutrition program" means a program described by
12 Section 12.0025.

13 (b) This section applies to a school food authority that
14 uses competitive bidding, competitive sealed proposals, or a
15 request for proposals to award a contract to a food service
16 management company for purposes of a nutrition program.

17 (c) In determining which bid or proposal offers the best
18 value for the school food authority, the school food authority:

19 (1) may consider cost reimbursable and fixed price
20 contracts as authorized by federal law;

21 (2) shall primarily consider the purchase price and
22 the extent to which the offeror's goods or services meet the school
23 food authority's specifications; and

24 (3) may, in addition to the factors described by
25 Subdivision (2), consider other relevant factors including:

26 (A) the relative value received by the school
27 food authority under a cost reimbursable contract and a fixed price
28 contract;

29 (B) the quality and reliability of the offeror's

1 goods or services; and

2 (C) indicators of probable offeror performance
3 under the contract, such as:

4 (i) past offeror performance;

5 (ii) the offeror's financial resources;

6 (iii) the offeror's ability to perform; and

7 (iv) the offeror's experience or

8 demonstrated capability in providing the goods or services.



E870300

21 May-19 AM 09:22
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: King of Hemphill

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Chapter 12, Agriculture Code, is amended by
5 adding Section 12.00251 to read as follows:

6 Sec. 12.00251. FOOD AND NUTRITION DIVISION EFFICIENCY
7 AUDIT. (a) For purposes of this section, "efficiency audit" means
8 an investigation of the operations of the department's food and
9 nutrition division by the state auditor to examine fiscal
10 management, efficiency, and outcomes for children and families
11 served by the department's public school food and nutrition
12 programs, including consistency and quality of communications with
13 stakeholders and the utilization of federal resources.

14 (b) During the state fiscal year ending August 31, 2022, and
15 every fourth year after that date, the state auditor shall conduct
16 an efficiency audit.

17 (c) In a year in which an efficiency audit is completed as
18 required by this section, the efficiency audit may satisfy, to the
19 extent applicable, the department's annual internal audit
20 requirements under Chapter 2102, Government Code.

21 (d) The department shall pay the costs associated with an
22 efficiency audit required under this section using money
23 appropriated for administrative and internal audit operations in
24 the state fiscal year the audit is conducted.

25 (e) If the department fails to pay the costs associated with
26 an efficiency audit as required by Subsection (d), the amount
27 appropriated to the department by the legislature for the next
28 state fiscal biennium may not exceed the department's baseline
29 budget.

1 (f) Not later than March 1 of the state fiscal year in which
2 an efficiency audit is required under this section, the state
3 auditor and commissioner, in collaboration with the food and
4 nutrition division of the department, shall assess and recommend
5 improvements to the efficiency of services and communications with
6 stakeholders associated and involved with the department's food and
7 nutrition programs.

8 (g) The state auditor shall complete the efficiency audit
9 not later than the 90th day after the date the audit is initiated.

10 (h) The state auditor and commissioner, in collaboration
11 with public schools and other food and nutrition program
12 stakeholders, shall establish the scope of the efficiency audit and
13 determine the areas of investigation for the audit, including:

14 (1) reviewing the department's resources to determine
15 whether they are being used effectively and efficiently to achieve
16 desired outcomes for rural and urban school districts;

17 (2) reviewing the quality, choice, and nutritional
18 balance of food prepared and provided to children and the impact to
19 rural and urban families served by the food and nutrition division
20 of the department;

21 (3) identifying cost savings or reallocations of
22 resources; and

23 (4) identifying opportunities for improving services
24 through consolidation of essential functions, outsourcing, and
25 elimination of duplicative efforts.

26 (i) Not later than November 1 of the calendar year an
27 efficiency audit is conducted, the state auditor shall prepare and
28 submit a report of the audit and recommendations for efficiency
29 improvements to the governor, the Legislative Budget Board, the
30 commissioner, and the chairs of the standing committees of the
31 senate and house of representatives with primary jurisdiction over

1 the department.



E870294

21 May-18 PM 01:30
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: King of Uvalde

1 Amend S.B. No. 703 (house committee report) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Section 122.201(a), Agriculture Code, is
5 amended to read as follows:

6 (a) A license holder shall harvest the plants from a plot
7 not later than the 30th [~~20th~~] day after the date a preharvest
8 sample is collected under Section 122.154 unless field conditions
9 delay harvesting or the department authorizes the license holder to
10 delay harvesting. This subsection does not prohibit the license
11 holder from harvesting the plants immediately after the preharvest
12 sample is collected.