

By: Casteel

H.B. No. 57

A BILL TO BE ENTITLED

AN ACT

relating to the abolition of the Office of State-Federal Relations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 751.001(1) and (4), Government Code, are amended to read as follows:

(1) "Board" means the ~~[Office of]~~ State-Federal Relations Advisory ~~[Policy]~~ Board.

(4) "State agency" means a state board, commission, department, institution, or officer in the executive branch of state government having statewide jurisdiction, including a state college or university.

SECTION 2. Section 751.002, Government Code, is amended to read as follows:

Sec. 751.002. OFFICE OF STATE-FEDERAL RELATIONS. ~~[(a)]~~
The Office of State-Federal Relations is a division of the office of the governor ~~[an agency of the state and operates within the executive department.]~~

~~[(b) The office is subject to the administrative procedure law, Chapter 2001].~~

SECTION 3. The heading to Section 751.004, Government Code, is amended to read as follows:

Sec. 751.004. APPOINTMENT ~~[AND TERM]~~ OF DIRECTOR.

SECTION 4. Section 751.004(a), Government Code, is amended to read as follows:

1 (a) The governor~~[, with the advice and consent of the~~
2 ~~senate,~~] shall appoint a director of the office.

3 SECTION 5. Section 751.005(b), Government Code, is amended
4 to read as follows:

5 (b) The director shall:

6 (1) help coordinate state and federal programs dealing
7 with the same subject;

8 (2) inform the governor, the lieutenant governor, and
9 the speaker of the house of representatives ~~[legislature]~~ of
10 federal programs that may be carried out in the state or that affect
11 state programs;

12 (3) provide federal agencies and the United States
13 Congress with information about state policy and state conditions
14 on matters that concern the federal government;

15 (4) regularly provide the governor, the lieutenant
16 governor, and the speaker of the house of representatives
17 ~~[legislature]~~ with information useful in measuring the effect of
18 federal actions on the state and local programs; and

19 (5) prepare and supply to the governor, the lieutenant
20 governor, and the speaker of the house of representatives ~~[and all~~
21 ~~members of the legislature]~~ an annual report that:

22 (A) describes the office's operations;

23 (B) contains the office's priorities and
24 strategies for the following year;

25 (C) details projects and legislation pursued by
26 the office;

27 (D) discusses issues in the following

1 congressional session of interest to this state; and

2 (E) contains an analysis of federal funds
3 availability and formulae[~~;~~ and

4 [~~(6) prepare annually a complete and detailed written~~
5 ~~report accounting for all funds received and disbursed by the~~
6 ~~office during the preceding fiscal year~~].

7 SECTION 6. The heading to Section 751.006, Government Code,
8 is amended to read as follows:

9 Sec. 751.006. STAFF[~~;~~ ~~PERSONNEL POLICIES~~].

10 SECTION 7. Section 751.006(a), Government Code, is amended
11 to read as follows:

12 (a) The director may employ staff necessary to carry out the
13 director's powers and duties under this chapter. [~~The director or~~
14 ~~the director's designee shall provide to office employees, as often~~
15 ~~as necessary, information regarding their qualification for~~
16 ~~employment under this chapter and their responsibilities under~~
17 ~~applicable laws relating to standards of conduct for state~~
18 ~~employees.~~]

19 SECTION 8. The heading to Section 751.010, Government Code,
20 is amended to read as follows:

21 Sec. 751.010. [~~OFFICE OF~~] STATE-FEDERAL RELATIONS ADVISORY
22 [~~POLICY~~] BOARD.

23 SECTION 9. Section 751.010, Government Code, is amended by
24 amending Subsections (a), (e), and (f) and adding Subsection (g) to
25 read as follows:

26 (a) The governor may appoint members to an advisory board to
27 assist in the administration of this chapter [~~Office of~~

1 ~~State-Federal Relations Advisory Policy Board consists of:~~

2 ~~[(1) the governor,~~

3 ~~[(2) the lieutenant governor, and~~

4 ~~[(3) the speaker of the house of representatives].~~

5 (e) The board may ~~[shall]~~ meet before the beginning of each
6 congressional session and at the call of the director ~~[presiding~~
7 ~~officer]~~.

8 (f) The board may ~~[shall]~~ work with the director to hold
9 periodic meetings ~~[in the city of Austin at times determined by the~~
10 ~~presiding officer]~~ to discuss upcoming federal activities and
11 issues with state agency representatives.

12 (g) A member of the advisory board may not receive
13 compensation, but is entitled to reimbursement of the member's
14 necessary and actual expenses incurred while performing duties
15 under this chapter, subject to any applicable limitation on
16 reimbursement provided by general law or the General Appropriations
17 Act.

18 SECTION 10. Section 751.012(c), Government Code, as amended
19 by S.B. No. 19, Acts of the 78th Legislature, Regular Session, 2003,
20 is amended to read as follows:

21 (c) A contract under this section must include provisions
22 under which staff of the other state agency:

23 (1) report directly to the director;

24 (2) report ~~[directly]~~ to the other state ~~[that]~~
25 agency's administrative head or the presiding officer of the other
26 state ~~[that]~~ agency's governing body;

27 (3) [(2)] have an officially recognized role in the

1 other state ~~[that]~~ agency's budget planning process; and

2 (4) ~~[(3)]~~ provide periodic updates of activities to
3 the other state ~~[at meetings of that]~~ agency's governing body.

4 SECTION 11. Section 751.012(e), Government Code, is amended
5 to read as follows:

6 (e) A state agency identified by the Legislative Budget
7 Board or the governor's office of budget, planning, and policy as
8 receiving significant federal funding or being significantly
9 affected by federal policy decisions, other than a state agency
10 that is headed by a statewide-elected official, shall:

11 (1) develop a plan of state-federal coordination;

12 (2) study the benefits of entering a contract under
13 Subsection (a); and

14 (3) submit the coordination plan and study to the
15 office and to the Legislative Budget Board.

16 SECTION 12. Chapter 751, Government Code, is amended by
17 adding Section 751.015 to read as follows:

18 Sec. 751.015. AGENCY COMMUNICATIONS. A state agency must,
19 to the extent practicable, contact the office before the agency
20 provides information to a federal agency or to the United States
21 Congress about a state policy or state circumstances. This section
22 does not apply to a state agency that is headed by a
23 statewide-elected official.

24 SECTION 13. Subchapter B, Chapter 751, Government Code, is
25 transferred to Chapter 401, Government Code, redesignated as
26 Subchapter G, Chapter 401, Government Code, and amended to read as
27 follows:

SUBCHAPTER G [~~B~~]. FEDERAL FUNDS MANAGEMENT

Sec. 401.151 [~~751.021~~]. DEFINITION. In this subchapter, "federal formula funds" means only those funds coming to the state based on federal funding formulas or as otherwise legislated by congress, excluding those funds known as federal discretionary grant funds.

Sec. 401.152 [~~751.022~~]. POWERS AND DUTIES. (a) The governor's office of budget, planning, and policy has primary responsibility for monitoring, coordinating, and reporting on the state's efforts to ensure receipt of an equitable share of federal formula funds.

(b) The governor's office of budget, planning, and policy shall:

(1) serve as the state's clearinghouse for information on federal formula funds;

(2) prepare reports on federal funds and earned federal formula funds;

(3) analyze proposed and pending federal and state legislation to determine whether the legislation would have a significant negative effect on the state's ability to receive an equitable share of federal formula funds;

(4) make recommendations for coordination between state agencies and local governmental entities and between state agencies; and

(5) adopt rules under the rule-making procedures of the administrative procedure law, Chapter 2001, Government Code, as necessary to carry out the responsibilities assigned by this

1 subchapter.

2 (c) The governor's office of budget, planning, and policy
3 shall annually prepare a comprehensive report to the governor and
4 legislature on the effectiveness of the state's efforts to ensure a
5 receipt of an equitable share of federal formula funds for the
6 preceding federal fiscal year. The report must include:

7 (1) an executive summary that provides an overview of
8 the major findings and recommendations included in the report;

9 (2) a comparative analysis of the state's receipt of
10 federal formula funds relative to other states, prepared using the
11 best available sources of data;

12 (3) an analysis of federal formula funding trends that
13 may have a significant effect on resources available to the state;
14 and

15 (4) recommendations, developed in consultation with
16 the Legislative Budget Board, the Office of State-Federal Relations
17 [~~Governor's Office of Budget and Planning~~], and the comptroller,
18 for any state legislative or administrative action necessary to
19 increase the state's receipt of federal formula funds.

20 [~~Sec. 751.023. AGENCY COMMUNICATIONS. A state agency~~
21 ~~shall, to the extent practicable, contact the office before the~~
22 ~~agency provides information to a federal agency or to the United~~
23 ~~States Congress about state policy or conditions. This section~~
24 ~~does not apply to a state agency that is headed by a~~
25 ~~statewide-elected official.~~]

26 Sec. 401.153 [~~751.024~~]. REPORTS CONCERNING GRANT FUNDS.

27 (a) Each agency and each institution of higher education shall

1 report to [~~the office,~~] the Legislative Budget Board[~~7~~] and the
2 governor's office of budget, planning, and policy [~~budget division~~
3 ~~of the governor's office~~]:

4 (1) each application or request made to the United
5 States government for grant funds;

6 (2) the award or designation, by the United States
7 government, of any funds for expenditure by a state agency; and

8 (3) waivers of grant requirements.

9 (b) In consultation with the governor's office of budget,
10 planning, and policy [~~director~~], the Legislative Budget Board may
11 prescribe reporting procedures and time schedules necessary to
12 implement Subsection (a).

13 SECTION 14. Section 322.004, Government Code, is amended by
14 adding Subsection (e) to read as follows:

15 (e) The director may maintain office space at locations
16 chosen by the director, including at locations outside of the
17 state.

18 SECTION 15. (a) The heading to Subchapter A, Chapter 751,
19 Government Code, is repealed.

20 (b) The following sections of the Government Code are
21 repealed:

22 (1) Section 751.003;

23 (2) Section 751.005(d);

24 (3) Sections 751.006(b)-(f);

25 (4) Section 751.008;

26 (5) Sections 751.010(b)-(d);

27 (6) Section 751.011; and

1 (7) Section 751.012(b).

2 SECTION 16. On November 1, 2003:

3 (1) all powers, duties, obligations, rights,
4 contracts, records, real and personal property, funds,
5 appropriations, money, and authorized full-time equivalent (FTE)
6 positions of the Office of State-Federal Relations are transferred
7 to the office of the governor;

8 (2) an employee of the Office of State-Federal
9 Relations becomes an employee of the office of the governor;

10 (3) a rule, policy, procedure, report, or decision of
11 the Office of State-Federal Relations continues in effect as a
12 rule, policy, procedure, report, or decision of the office of the
13 governor until superseded by an act of the office of the governor;
14 and

15 (4) a reference in another law to the Office of
16 State-Federal Relations means the office of the governor.

17 SECTION 17. This Act takes effect November 1, 2003.