

By: Swinford

H.B. No. 2909

A BILL TO BE ENTITLED

AN ACT

relating to the administration of state-federal relations and federal formula grant programs.

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

SECTION 1. Chapter 751 Government Code is amended to read as follows:

CHAPTER 751. [~~OFFICE OF~~] STATE-FEDERAL RELATIONS

SUBCHAPTER A. OFFICE OF STATE-FEDERAL RELATIONS [~~GENERAL PROVISIONS~~]

Sec. 751.001. DEFINITIONS. In this chapter:

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

(2) "Director" means the director of the Office of State-Federal Relations.

(3) "Office" means the Office of State-Federal Relations.

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

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

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

3 Sec. 751.004. APPOINTMENT ~~[AND TERM]~~ OF DIRECTOR. (a) The
4 governor ~~[, with the advice and consent of the senate,]~~ shall
5 appoint a director of the office.

6 (b) The director serves at the pleasure of the governor.

7 Sec. 751.005. GENERAL POWERS AND DUTIES OF DIRECTOR. (a)
8 The director shall exercise the powers and carry out the duties
9 prescribed by this section in order to act as a liaison from the
10 state to the federal government.

11 (b) The director shall:

12 (1) help coordinate state and federal programs dealing
13 with the same subject;

14 (2) inform the governor ~~[and the legislature]~~ of
15 federal programs that may be carried out in the state or that affect
16 state programs;

17 (3) provide federal agencies and the United States
18 Congress with information about state policy and state conditions
19 on matters that concern the federal government;

20 ~~[(4) provide the legislature with information useful~~
21 ~~in measuring the effect of federal actions on the state and local~~
22 ~~programs,]~~

23 (4) ~~[(5)]~~ prepare and supply to the governor ~~[and all~~
24 ~~members of the legislature]~~ an annual report that:

25 (A) describes the office's operations;

26 (B) contains the office's priorities and
27 strategies for the following year;

1 (C) details projects and legislation pursued by
2 the office;

3 (D) discusses issues in the following
4 congressional session of interest to this state; and

5 (E) contains an analysis of federal funds
6 availability and formulae[~~+, and~~].

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

10 (c) The director may maintain office space at locations
11 inside and outside the state as chosen by the director.

12 [~~(d) The annual report required under Subsection (b)(6)~~
13 ~~must meet the reporting requirements applicable to financial~~
14 ~~reporting provided in the General Appropriations Act.~~]

15 Sec. 751.006. STAFF; PERSONNEL POLICIES. (a) The director
16 may employ staff necessary to carry out the director's powers and
17 duties under this chapter. [~~The director or the director's~~
18 ~~designee shall provide to office employees, as often as necessary,~~
19 ~~information regarding their qualification for employment under~~
20 ~~this chapter and their responsibilities under applicable laws~~
21 ~~relating to standards of conduct for state employees.~~

22 [~~(b) The director or the director's designee shall develop~~
23 ~~an intraagency career ladder program that addresses opportunities~~
24 ~~for mobility and advancement for employees within the office. The~~
25 ~~program shall require intraagency posting of all positions~~
26 ~~concurrently with any public posting.~~

27 [~~(c) The director or the director's designee shall develop a~~

1 ~~system of annual performance evaluations that are based on~~
2 ~~documented employee performance. All merit pay for office~~
3 ~~employees must be based on the system established under this~~
4 ~~subsection.~~

5 ~~[(d) The director or the director's designee shall prepare~~
6 ~~and maintain a written policy statement to assure implementation of~~
7 ~~a program of equal employment opportunity under which all personnel~~
8 ~~transactions are made without regard to race, color, disability,~~
9 ~~sex, religion, age, or national origin. The policy statement must~~
10 ~~include:~~

11 ~~[(1) personnel policies, including policies relating~~
12 ~~to recruitment, evaluation, selection, appointment, training, and~~
13 ~~promotion of personnel that are in compliance with the requirements~~
14 ~~of Chapter 21, Labor Code;~~

15 ~~[(2) a comprehensive analysis of the office workforce~~
16 ~~that meets federal and state guidelines;~~

17 ~~[(3) procedures by which a determination can be made~~
18 ~~about the extent of underuse in the office workforce of all persons~~
19 ~~for whom federal or state guidelines encourage a more equitable~~
20 ~~balance; and~~

21 ~~[(4) reasonable methods to appropriately address~~
22 ~~those areas of underuse.~~

23 ~~[(e) A policy statement prepared under Subsection (d) must~~
24 ~~cover an annual period, be updated annually and reviewed by the~~
25 ~~Texas Commission on Human Rights for compliance with Subsection~~
26 ~~(d)(1), and be filed with the governor's office.~~

27 ~~[(f) The governor's office shall deliver a biennial report~~

1 ~~to the legislature based on the information received under~~
2 ~~Subsection (e). The report may be made separately or as a part of~~
3 ~~other biennial reports made to the legislature.~~

4 (b) ~~[(g)]~~ The director and the staff of the office working
5 in Washington, D.C., may receive the same cost-of-living salary
6 adjustment as is established for an employee of another state
7 agency under Section 751.012(d).

8 Sec. 751.009. CONTRIBUTIONS. (a) The office may accept
9 contributions that the office determines will further the
10 objectives of the office.

11 (b) A contribution may not be used to pay any part of the
12 compensation of a person who is an officer or employee of the office
13 on the date the office receives the contribution.

14 Sec. 751.010. ~~[OFFICE OF]~~ STATE-FEDERAL RELATIONS ADVISORY
15 ~~[POLICY]~~ BOARD. (a) The Office of State-Federal Relations may
16 appoint members to an Advisory [Policy] Board ~~[consists of:~~

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

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

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

20 assist in the administration of this chapter.

21 ~~[(b) A member of the board may designate a person to perform~~
22 ~~the member's duties on the board.~~

23 ~~[(c) The board, by majority vote, shall select a presiding~~
24 ~~officer of the board.~~

25 ~~[(d) A majority of the members of the board constitutes a~~
26 ~~quorum to transact business.]~~

27 (b) ~~[(e)]~~ The board may ~~[shall]~~ meet before the beginning of

1 each congressional session and at the call of the [~~presiding~~
2 ~~officer~~] director.

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

7 (d) An advisor serves without compensation but is entitled
8 to necessary and actual expenses incurred in performing duties
9 under this chapter.

10 Sec. 751.012. INTERAGENCY CONTRACTS. (a) The office may
11 enter into interagency contracts with other state agencies to
12 locate staff of the other state agency in Washington, D.C., to work
13 under the supervision of the director and shall coordinate
14 activities conducted on behalf of the other agency with those of the
15 office.

16 (b) [~~(e)~~] A contract under this section must include
17 provisions under which staff of the other state agency:

18 (1) report directly to the director;

19 (2) [~~(1)~~] report [~~directly~~] to that agency's
20 administrative head or the presiding officer of that agency's
21 governing body;

22 (3) [~~(2)~~] have an officially recognized role in that
23 agency's budget planning process;

24 (4) [~~(3)~~] provide periodic updates of activities [~~at~~
25 ~~meetings of~~] to that agency's governing body; and

26 (5) [~~(4)~~] receive a salary established under
27 Subsection (d).

1 (c) [~~(d)~~] The state auditor shall establish a salary
2 schedule for state employees subject to a contract under this
3 section. The schedule shall:

4 (1) be based on specifications for expertise and
5 experience in state-federal relations; and

6 (2) include a standard cost-of-living adjustment to
7 compensate an employee for the cost of living in Washington, D.C.

8 (d) [~~(e)~~] A state agency identified by the Legislative
9 Budget Board or Governor's Office of Budget, Planning, and Policy
10 as receiving significant federal funding or significantly affected
11 by federal policy decisions, other than a state agency that is
12 headed by a statewide-elected official, shall:

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

14 (2) study the benefits of entering a contract under
15 Subsection (a); and

16 (2) submit the coordination plan and study to the
17 office and to the Legislative Budget Board.

18 (e) [~~(f)~~] The Health and Human Services Commission shall
19 satisfy the requirements of Subsection (d) [~~(e)~~] for all health and
20 human services agencies listed in Section 19, Article 4413(502),
21 Revised Statutes.

22 Sec. 751.013. PROGRAM AND FACILITY ACCESSIBILITY. The
23 office shall comply with federal and state laws related to program
24 and facility accessibility. The director shall also prepare and
25 maintain a written plan that describes how a person who does not
26 speak English can be provided reasonable access to the office's
27 programs and services.

1 Sec. 751.014. FUNDS SUBJECT TO STATE FUNDS REFORM ACT. All
2 money paid to the office under this chapter is subject to Subchapter
3 F, Chapter 404.

4 Sec. 751.015. AGENCY COMMUNICATIONS. A state agency shall,
5 to the extent practicable, contact the office before the agency
6 provides information to a federal agency or to the United States
7 Congress about state policy or conditions. This section does not
8 apply to a state agency that is headed by a statewide-elected
9 official.

10 SUBCHAPTER B. FEDERAL FUNDS MANAGEMENT

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

15 Sec. 751.022. POWERS AND DUTIES. (a) The Governor's Office
16 of Budget, Planning, and Policy [~~office~~] has primary responsibility
17 for monitoring, coordinating, and reporting on the state's efforts
18 to ensure receipt of an equitable share of federal formula funds.

19 (b) The Governor's Office of Budget, Planning, and Policy
20 [~~office~~] shall:

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

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

25 (3) analyze proposed and pending federal and state
26 legislation to determine whether the legislation would have a
27 significant negative effect on the state's ability to receive an

1 equitable share of federal formula funds;

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

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

9 (c) The Governor's Office of Budget, Planning, and Policy
10 [~~office~~] shall annually prepare a comprehensive report to the
11 governor and legislature on the effectiveness of the state's
12 efforts to ensure a receipt of an equitable share of federal formula
13 funds for the preceding federal fiscal year. The report must
14 include:

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

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

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

23 (4) recommendations, developed in consultation with
24 the Legislative Budget Board, the office [~~Governor's Office of~~
25 ~~Budget and Planning~~], and the comptroller, for any state
26 legislative or administrative action necessary to increase the
27 state's receipt of federal formula funds.

1 Sec. 751.024. REPORTS CONCERNING GRANT FUNDS. (a) Each
2 agency and each institution of higher education shall report to
3 [~~the office,~~] the Legislative Budget Board[~~7~~] and the Governor's
4 Office of Budget, Planning, and Policy [~~budget division of the~~
5 ~~governor's office~~]:

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

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

10 (3) waivers of grant requirements.

11 (b) In consultation with the Governor's Office of Budget,
12 Planning, and Policy [~~director~~], the Legislative Budget Board may
13 prescribe reporting procedures and time schedules necessary to
14 implement Subsection (a).

15 SECTION 2. Section 32.004 Government Code is amended by
16 adding subsection (e) to read as follows:

17 (e) The director may maintain office space at locations
18 inside and outside the state as chosen by the director.

19 SECTION 3. The following laws are repealed: Sections
20 751.003, 751.008, 751.009, 751.011, 751.012(b), and 751.023
21 Government Code.

22 SECTION 4. On September 1, 2003, any powers, duties,
23 obligations, rights, contracts, records, employees, property,
24 funds, appropriations, and authorized Full-time Equivalent (FTE)
25 positions of the Office of State-Federal Relations are transferred
26 to the Trusteed Programs Within the Office of the Governor.

27 SECTION 5. This Act takes effect September 1, 2003.