

BILL ANALYSIS

C.S.S.B. 903

By: Brimer

Defense Affairs & State-Federal Relations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Office of State-Federal Relations (the Office) acts as the State's advocate in Washington, DC to help promote and protect the interests of Texas at the federal level. Initially, the Legislature created the Division of State-Federal Relations in 1965 as a program within the Governor's Office, and later established the Office as an independent state agency in 1971. The Office's main functions include prioritizing a federal agenda for Texas, advocating for federal funding and policy decisions favorable to Texas, and promoting communication and building relationships between the state and federal governments. The Office is subject to the Sunset Act and will be abolished on September 1, 2007, unless continued by the Legislature.

CSSB 903 provides for the continuation of the Office of State-Federal Relations and the administrative attachment of that agency to the office of the governor.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSSB 903 amends Chapter 751 of the Government Code to administratively attach the Office of State-Federal Relations (the Office) to the Office of the Governor and require the Office of the Governor to provide human resources and other administrative support for the Office. The bill requires that the Office be funded by appropriations made to the Office of the Governor.

CSSB 903 gives the Office a new Sunset date of September 1, 2013.

CSSB 903 changes the heading of Section 751.005, Government Code, to read GENERAL POWERS AND DUTIES OF OFFICE.

CSSB 903 requires the director to include an evaluation of the performance of the Office, based on performance measures developed by the Advisory Policy Board, in the annual report already required by law. Additionally, it requires the director to notify the Governor, the Lieutenant Governor, and the Speaker of the House of federal activities relevant to the state and inform the Texas Congressional Delegation of state activities; to conduct frequent conference calls with the Lieutenant Governor and the Speaker of the House or their designees regarding state-federal relations and programs; to respond to requests for information from the Legislature, the United States Congress, and federal agencies; and to coordinate with the Legislative Budget Board regarding the effects of federal funding on the state budget.

CSSB 903 conforms language in Section 751.006(g), Government Code, relating to cost-of-living salary adjustments, to delete the reference to Section 751.012(d), Government Code, as section 751.012(d), Government Code, was repealed in 2003.

CSSB 903 provides that the Office may not contract with federal-level government relations consultants. CSSB 903 defines "political subdivision" to include a river authority for Section 751.016, Government Code. The bill requires an agency or political subdivision of the state to report to Office on any contract between the agency or subdivision and a federal-level government relations consultant. The bill requires an agency or political subdivision to submit one report under this section not later than the 30th day after the date the contract is executed and

a second report not later than the 30th day after the date the contract is terminated. The bill sets forth the required content of the report. CSSB 903 requires an agency or political subdivision contracting with a federal-level government relations consultant before September 1, 2007, if the contract has not terminated before that date, to submit a report as required by Subsection (b) not later than September 30, 2007. The bill provides that this subsection expires September 1, 2008. CSSB 903 requires a state agency, upon contracting with a federal-level government relations consultant who subsequently subcontracts the work to another firm or individual, to report that subcontract to the Office.

CSSB 903 requires the Office to post the information reported to the Office by state agencies and political subdivisions that contract with federal-level government relations consultants on the Office's website.

CSSB 903 repeals Section 751.006(b), (c), (d), (e), and (f), Government Code, relating to the Office's career ladder program, annual performance evaluations, and equal employment opportunity policy; Section 751.012(b), (e), and (f), Government Code, relating to requiring the Legislative Budget Board (LBB) to contract with the Office to have a presence in Washington D.C., and requiring the LBB to identify state agencies that receive significant federal funding to develop and submit coordination plans to the Office; Section 751.013, Government Code, relating to compliance with laws related to program and facility accessibility; Section 751.014, Government Code, relating to funds paid to the Office being subject to State Funds Reform Act; and Section 751.024, Government Code, relating to grant fund reporting.

CSSB 903 provides that the Office and the Office of the Governor shall establish a plan for the administrative attachment to the Office of the Governor.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSSB 903 modifies the caption of the original bill to relate to the continuation and functions of the Office of State-Federal Relations and the administrative attachment of that agency to the office of the governor. The original bill related to the abolishment of the Office of State-Federal Relations as an independent agency and the transfer of the duties and functions of that agency to the office of the governor.

CSSB 903 reinstates two sections repealed in the original bill that provided for the Office's Advisory Policy Board, consisting of the Governor, Lieutenant Governor and the Speaker of the House, and set out the Board's duties.

The substitute removes provisions in the original bill that abolished the agency and recreated it as a program in the Governor's Office, including conforming changes relating to the definition of the director and references to the Office, in place of the director. CSSB 903 restores language removed in the original bill that described the Office as an agency of the state that operates within the executive department. CSSB 903 administratively attaches the Office to the Office of the Governor and requires the Office of the Governor to provide human resources and other administrative support for the Office. The substitute requires that the Office be funded by appropriations made to the Office of the Governor.

The substitute removes language in the original bill that required the Office to consult with the Lieutenant Governor and the Speaker of the House about relations between the state and federal governments and to inform the legislative leadership of the Office's progress on federal issues including federal funding and policy decisions. This language is not needed since the substitute reinstates the Advisory Policy Board, which includes the Lieutenant Governor and the Speaker of the House. The substitute reinstates a provision that was deleted in the original bill that makes the Office subject to the administrative procedures law.

CSSB 903 removes a provision in the original bill that required the executive director to be appointed by the Governor and accountable to the Governor. Instead, the substitute preserves current law, which requires the Governor, with the advice and consent of the Senate, to appoint the director.

CSSB 903 removes a provision in the original bill that required the Office's priorities to be approved by the Governor, in consultation with the Lieutenant Governor and the Speaker of the House. Instead the substitute reinstates current law that requires the Advisory Policy Board to review the priorities.

CSSB 903 removes the requirement that the Governor, in consultation with the Lieutenant Governor and the Speaker of the House, develop performance measures for the Office to report on annually. Instead, the substitute moves this provision to the section of the Act that relates to the duties of the director, to require the director to report annually on the performance measures developed by the Advisory Policy Board.

CSSB 903 removes language in the original bill that required the Office to adopt written procedures and adhere to specific contracting guidelines if it elected to contract with federal-level government relations consultants. Instead, the substitute states that the Office may not contract with federal-level government relations consultants.

CSSB 903 modifies the provision in the original bill that required state agencies and political subdivisions that contract with federal-level government relations consultants to report to the Office to require the Office to post the information reported to the Office on the Office's website.

CSSB 903 maintains current law regarding two sections repealed in the original bill, Sections 751.007 and 751.008, Government Code, that are Sunset across-the-board provisions in current law relating to the lobbyist restriction on the Office's general counsel and the Office's maintenance of public information about complaints.

CSSB 903 deletes instructional provisions relating to the abolishment and transfer of the agency to the Governor's Office. The substitute modifies an additional instructional provision in the original bill that required the Office and the Office of the Governor to establish a transition plan for the transfer of duties to the Office of the Governor. Instead, the substitute requires the Office and the Office of the Governor to establish a plan for the administrative attachment to the Office of the Governor.