

By: Brimer

S.B. No. 903

A BILL TO BE ENTITLED

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AN ACT

relating 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.

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

SECTION 1. Sections 751.001 through 751.004, Government Code, are amended to read as follows:

Sec. 751.001. DEFINITIONS. In this chapter:

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

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

(2) [~~(3)~~] "Office" means the Office of State-Federal Relations.

(3) [~~(4)~~] "State agency" means a state board, commission, department, institution, or officer 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 a program within the office of the governor. The governor shall provide guidance to the office and direct the activities of the office [~~an agency of the state and operates within the executive department~~].

(b) The office shall consult with the lieutenant governor and the speaker of the house of representatives regarding relations

1 between the state and federal governments and shall inform the  
2 legislative leadership of the office's progress on, and the status  
3 of, federal issues, including federal funding and policy decisions  
4 ~~[is subject to the administrative procedure law, Chapter 2001].~~

5       Sec. 751.003. SUNSET PROVISION.       The Office of  
6 State-Federal Relations is subject to Chapter 325 (Texas Sunset  
7 Act). Unless continued in existence as provided by that chapter,  
8 the office is abolished and this chapter expires September 1, 2013  
9 ~~[2007]~~.

10       Sec. 751.004. APPOINTMENT AND TERM OF EXECUTIVE DIRECTOR.  
11 (a) The governor~~[, with the advice and consent of the senate,]~~  
12 shall appoint the executive ~~[a]~~ director of the office. The  
13 executive director is accountable to the governor.

14       (b) The executive director serves at the pleasure of the  
15 governor.

16       SECTION 2. The heading to Section 751.005, Government Code,  
17 is amended to read as follows:

18       Sec. 751.005. GENERAL POWERS AND DUTIES OF OFFICE  
19 ~~[DIRECTOR]~~.

20       SECTION 3. Section 751.005, Government Code, is amended by  
21 amending Subsections (a), (b), and (c) and adding Subsection (e) to  
22 read as follows:

23       (a) The office ~~[director]~~ shall exercise the powers and  
24 carry out the duties prescribed by this section in order to act as a  
25 liaison from the state to the federal government.

26       (b) The office ~~[director]~~ shall:

27           (1) help coordinate state and federal programs dealing

1 with the same subject;

2 (2) inform the governor and the legislature of federal  
3 programs that may be carried out in the state or that affect state  
4 programs;

5 (3) provide federal agencies and the United States  
6 Congress with information about state policy and state conditions  
7 on matters that concern the federal government;

8 (4) provide the legislature with information useful in  
9 measuring the effect of federal actions on the state and local  
10 programs;

11 (5) prepare and supply to the governor and all members  
12 of the legislature an annual report that:

13 (A) describes the office's operations;

14 (B) contains the office's priorities and  
15 strategies for the following year;

16 (C) details projects and legislation pursued by  
17 the office;

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

20 (E) contains an analysis of federal funds  
21 availability and formulae; ~~and~~

22 (6) prepare annually a complete and detailed written  
23 report accounting for all funds received and disbursed by the  
24 office during the preceding fiscal year;

25 (7) notify the governor, the lieutenant governor, and  
26 the speaker of the house of representatives of federal activities  
27 relevant to the state and inform the Texas congressional delegation

1 of state activities;

2 (8) conduct frequent conference calls with the  
3 lieutenant governor and the speaker of the house of representatives  
4 or their designees regarding state-federal relations and programs;

5 (9) respond to requests for information from the  
6 legislature, the United States Congress, and federal agencies; and

7 (10) coordinate with the Legislative Budget Board  
8 regarding the effects of federal funding on the state budget.

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

12 (e) The priorities of the office, as stated in the report  
13 required under Subsection (b)(5), must be approved by the governor  
14 in consultation with the lieutenant governor and the speaker of the  
15 house of representatives. The report must include an evaluation of  
16 the performance of the office based on performance measures that  
17 are developed by the governor in consultation with the lieutenant  
18 governor and the speaker of the house of representatives.

19 SECTION 4. Subsections (a) and (g), Section 751.006,  
20 Government Code, are amended to read as follows:

21 (a) The executive director may employ staff necessary to  
22 carry out the [~~director's~~] powers and duties of the office under  
23 this chapter. The executive director or the executive director's  
24 designee shall provide to office employees, as often as necessary,  
25 information regarding their qualification for employment under  
26 this chapter and their responsibilities under applicable laws  
27 relating to standards of conduct for state employees.

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

5 SECTION 5. Subsections (a) and (c), Section 751.012,  
6 Government Code, are amended to read as follows:

7 (a) The office may enter into interagency contracts with  
8 [~~other~~] state agencies to locate staff of the [~~other~~] state  
9 agencies [~~agency~~] in Washington, D.C., to work under the  
10 supervision of the executive director and shall coordinate  
11 activities conducted on behalf of the state agencies [~~other agency~~]  
12 with those of the office.

13 (c) A contract under this section must include provisions  
14 under which staff of the [~~other~~] state agency:

15 (1) report directly to the [~~that~~] agency's  
16 administrative head or the presiding officer of the [~~that~~] agency's  
17 governing body;

18 (2) have an officially recognized role in the [~~that~~]  
19 agency's budget planning process; and

20 (3) provide periodic updates of activities at meetings  
21 of the [~~that~~] agency's governing body.

22 SECTION 6. Subchapter A, Chapter 751, Government Code, is  
23 amended by adding Sections 751.015 and 751.016 to read as follows:

24 Sec. 751.015. CONTRACTS BETWEEN OFFICE AND CONSULTANTS.

25 (a) If the office elects to contract with federal-level government  
26 relations consultants, the office shall adopt written procedures  
27 for those contracts. The procedures must include:

1 (1) guidelines regarding contract management;

2 (2) a competitive procurement process and method to  
3 assess the effectiveness of a prospective consultant;

4 (3) a technique for assigning a value to a prospective  
5 consultant's ability to provide services at a reasonable price and  
6 level of experience;

7 (4) a process for determining a prospective  
8 consultant's ability to work with influential members of the United  
9 States Congress and serve as an effective advocate on behalf of the  
10 state; and

11 (5) a method to verify that the interests of a  
12 prospective consultant or the consultant's other clients do not  
13 create a conflict of interest that may jeopardize the state's  
14 interest.

15 (b) A contract between the office and a federal-level  
16 government relations consultant must include:

17 (1) an agreement regarding the goals of the service to  
18 be provided by the consultant and targeted performance measures;

19 (2) a provision governing the manner in which the  
20 contract may be terminated by the parties to the contract; and

21 (3) a provision allowing the office, the state  
22 auditor's office as provided by Section 2262.003, and other  
23 specified oversight entities to audit the contractor's performance  
24 under the contract.

25 (c) The governor must sign any contract between the office  
26 and a federal-level government relations consultant.

27 Sec. 751.016. CONTRACTS BY STATE AGENCIES OR POLITICAL

1 SUBDIVISIONS. (a) In this section, "political subdivision"  
2 includes a river authority.

3 (b) An agency or political subdivision of the state shall  
4 report to the office on any contract between the agency or  
5 subdivision and a federal-level government relations consultant. A  
6 state agency or political subdivision shall submit one report under  
7 this section not later than the 30th day after the date the contract  
8 is executed and a second report not later than the 30th day after  
9 the date the contract is terminated. The report must include:

10 (1) the name of the consultant or consulting firm;

11 (2) the issue on which the consultant was hired to  
12 consult; and

13 (3) the amount of compensation paid or to be paid to  
14 the consultant under the contract.

15 (b-1) A state agency or political subdivision contracting  
16 with a federal-level government relations consultant before  
17 September 1, 2007, shall, if the contract has not terminated before  
18 that date, submit a report as required by Subsection (b) not later  
19 than September 30, 2007. This subsection expires September 1,  
20 2008.

21 (c) If a state agency contracts with a federal-level  
22 government relations consultant and the consultant subcontracts  
23 the work to another firm or individual, the state agency shall  
24 report the subcontract to the office.

25 SECTION 7. Subsections (a) through (f), Section 751.006,  
26 Sections 751.007, 751.008, 751.010, 751.011, Subsections (b), (e),  
27 and (f), Section 751.012, and Sections 751.013, 751.014, and

1 751.024, Government Code, are repealed.

2 SECTION 8. (a) The Office of State-Federal Relations is  
3 abolished as an independent agency and created as a program in the  
4 office of the governor. The Office of State-Federal Relations  
5 Advisory Policy Board is abolished.

6 (b) The validity of an action taken by the Office of  
7 State-Federal Relations before it is abolished under Subsection (a)  
8 of this section is not affected by the abolishment.

9 SECTION 9. On September 1, 2007:

10 (1) the director of the Office of State-Federal  
11 Relations becomes the executive director of the Office of  
12 State-Federal Relations in the office of the governor;

13 (2) an employee of the Office of State-Federal  
14 Relations becomes an employee of the Office of State-Federal  
15 Relations in the office of the governor;

16 (3) a reference in law to the Office of State-Federal  
17 Relations means the Office of State-Federal Relations in the office  
18 of the governor;

19 (4) all money, contracts, leases, rights, and  
20 obligations of the Office of State-Federal Relations are  
21 transferred to the Office of State-Federal Relations in the office  
22 of the governor;

23 (5) all property, including records, in the custody of  
24 the Office of State-Federal Relations becomes the property of the  
25 Office of State-Federal Relations in the office of the governor;  
26 and

27 (6) all funds appropriated by the legislature to the



1 Office of State-Federal Relations are transferred to the Office of  
2 State-Federal Relations in the office of the governor.

3 SECTION 10. A function or activity performed by the Office  
4 of State-Federal Relations is transferred to the Office of  
5 State-Federal Relations in the office of the governor as provided  
6 by this Act.

7 SECTION 11. The Office of State-Federal Relations and the  
8 office of the governor shall establish a transition plan for the  
9 transfer described in Section 9 of this Act.

10 SECTION 12. This Act takes effect September 1, 2007.