

By: Brimer

S.B. No. 903

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the abolishment of the Office of State-Federal
3 Relations as an independent agency and the transfer of the duties
4 and functions of that agency to the office of the governor.

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

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

8 Sec. 751.001. DEFINITIONS. In this chapter:

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

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

13 (2) [~~(3)~~] "Office" means the Office of State-Federal
14 Relations.

15 (3) [~~(4)~~] "State agency" means a state board,
16 commission, department, institution, or officer having statewide
17 jurisdiction, including a state college or university.

18 Sec. 751.002. OFFICE OF STATE-FEDERAL RELATIONS. (a) The
19 Office of State-Federal Relations is a program within the office of
20 the governor. The governor shall provide guidance to the office and
21 direct the activities of the office [~~an agency of the state and~~
22 ~~operates within the executive department~~].

23 (b) The office shall consult with the lieutenant governor
24 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 [~~The office is subject to the administrative procedure law, Chapter~~
5 ~~2001.~~]

6 Sec. 751.003. SUNSET PROVISION. The Office of
7 State-Federal Relations is subject to Chapter 325 (Texas Sunset
8 Act). Unless continued in existence as provided by that chapter,
9 the office is abolished and this chapter expires September 1, 2013
10 [~~2007~~].

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

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

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

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

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

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

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

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

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

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

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

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

14 (A) describes the office's operations;

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

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

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

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

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

26 (7) notify the governor, the lieutenant governor, and
27 the speaker of the house of representatives of federal activities

1 relevant to the state and inform the Texas congressional delegation
2 of state activities;

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

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

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

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

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

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

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

1 relating to standards of conduct for state employees.

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

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

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

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

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

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

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

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

25 Sec. 751.015. CONTRACTS BETWEEN OFFICE AND CONSULTANTS.

26 (a) If the office elects to contract with federal-level government
27 relations consultants, the office shall adopt written procedures

1 for those contracts. The procedures must include:

2 (1) guidelines regarding contract management;

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

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

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

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

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

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

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

22 (3) a provision allowing the office 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 annually on any contract between the agency or
5 subdivision and a federal-level government relations consultant.
6 The report must include:

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

8 (2) the issue on which the consultant was hired to
9 consult; and

10 (3) the amount of compensation paid or to be paid to
11 the consultant under the contract.

12 (c) If a state agency contracts with a federal-level
13 government relations consultant and the consultant subcontracts
14 the work to another firm or individual, the state agency shall
15 report the subcontract to the office.

16 SECTION 7. Sections 751.006(b), (c), (d), (e), and (f),
17 751.007, 751.008, 751.010, 751.011, 751.012(b), (e), and (f),
18 751.013, 751.014, and 751.024, Government Code, are repealed.

19 SECTION 8. (a) The Office of State-Federal Relations is
20 abolished as an independent agency and created as a program in the
21 office of the governor. The Office of State-Federal Relations
22 Advisory Policy Board is abolished.

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

26 SECTION 9. On September 1, 2007:

27 (1) the director of the Office of State-Federal

1 Relations becomes the executive director of the Office of
2 State-Federal Relations in the office of the governor;

3 (2) an employee of the Office of State-Federal
4 Relations becomes an employee of the Office of State-Federal
5 Relations in the office of the governor;

6 (3) a reference in law to the Office of State-Federal
7 Relations means the Office of State-Federal Relations in the office
8 of the governor;

9 (4) all money, contracts, leases, rights, and
10 obligations of the Office of State-Federal Relations are
11 transferred to the Office of State-Federal Relations in the office
12 of the governor;

13 (5) all property, including records, in the custody of
14 the Office of State-Federal Relations becomes the property of the
15 Office of State-Federal Relations in the office of the governor;
16 and

17 (6) all funds appropriated by the legislature to the
18 Office of State-Federal Relations are transferred to the Office of
19 State-Federal Relations in the office of the governor.

20 SECTION 10. A function or activity performed by the Office
21 of State-Federal Relations is transferred to the Office of
22 State-Federal Relations in the office of the governor as provided
23 by this Act.

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

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