

AN ACT

relating 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.

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

SECTION 1. Subsection (a), Section 751.002, Government Code, is amended to read as follows:

(a) The Office of State-Federal Relations is an agency of the state and operates within the executive department. The office is administratively attached to the office of the governor. The governor's office shall provide human resources and other administrative support for the office. The office is funded by appropriations made to the office of the governor.

SECTION 2. Section 751.003, Government Code, is amended to read as follows:

Sec. 751.003. SUNSET PROVISION. The Office of State-Federal Relations is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2015 ~~[2009]~~. ~~[In the review of the office by the Sunset Advisory Commission, as required by this section, the sunset commission shall limit its review to the appropriateness of recommendations made to the 80th Legislature. In its report to the 81st Legislature, the sunset commission may include any recommendations~~

1 ~~it considers appropriate.]~~

2 SECTION 3. The heading to Section 751.005, Government Code,
3 is amended to read as follows:

4 Sec. 751.005. GENERAL POWERS AND DUTIES OF OFFICE
5 [~~DIRECTOR~~].

6 SECTION 4. Section 751.005, Government Code, is amended by
7 amending Subsections (a), (b), and (c) and adding Subsection (e) to
8 read as follows:

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

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

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

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

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

21 (4) provide the legislature with information useful in
22 measuring the effect of federal actions on the state and local
23 programs;

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

26 (A) describes the office's operations;

27 (B) contains the office's priorities and

1 strategies for the following year;

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

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

6 (E) contains an analysis of federal funds
7 availability and formulae; ~~and~~

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

11 (7) notify the governor, the lieutenant governor, the
12 speaker of the house of representatives, and the legislative
13 standing committees in each house with primary jurisdiction over
14 intergovernmental affairs of federal activities relevant to the
15 state and inform the Texas congressional delegation of state
16 activities;

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

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

22 (10) coordinate with the Legislative Budget Board
23 regarding the effects of federal funding on the state budget; and

24 (11) report to, and on request send appropriate
25 representatives to appear before, the legislative standing
26 committees in each house with primary jurisdiction over
27 intergovernmental affairs.

1 (c) The office [~~director~~] may maintain office space at
2 locations inside and outside the state as chosen by the office
3 [~~director~~].

4 (e) The report required under Subsection (b)(5) must
5 include an evaluation of the performance of the office based on
6 performance measures that are developed by the board.

7 SECTION 5. Subsection (g), Section 751.006, Government
8 Code, is amended to read as follows:

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

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

15 Sec. 751.015. CONTRACTS BETWEEN OFFICE AND CONSULTANTS.

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

19 (1) guidelines regarding contract management;

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

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

25 (4) a process for determining a prospective
26 consultant's ability to work with influential members of the United
27 States Congress and serve as an effective advocate on behalf of the

1 state; and

2 (5) a method to verify that the interests of a
3 prospective consultant or the consultant's other clients do not
4 create a conflict of interest that may jeopardize the state's
5 interest.

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

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

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

12 (3) a provision allowing the office, the state
13 auditor's office as provided by Section 2262.003, and other
14 specified oversight entities to audit the contractor's performance
15 under the contract.

16 (c) All three members of the board must sign any contract
17 between the office and a federal-level government relations
18 consultant.

19 Sec. 751.016. CONTRACTS BY STATE AGENCIES OR POLITICAL
20 SUBDIVISIONS. (a) In this section, "political subdivision"
21 includes a river authority.

22 (b) An agency or political subdivision of the state shall
23 report to the office on any contract between the agency or
24 subdivision and a federal-level government relations consultant. A
25 state agency or political subdivision shall submit one report under
26 this section not later than the 30th day after the date the contract
27 is executed and a second report not later than the 30th day after

1 the date the contract is terminated. The report must include:

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

3 (2) the issue on which the consultant was hired to
4 consult; and

5 (3) the amount of compensation paid or to be paid to
6 the consultant under the contract.

7 (b-1) A state agency or political subdivision contracting
8 with a federal-level government relations consultant before
9 September 1, 2009, shall, if the contract has not terminated before
10 that date, submit a report as required by Subsection (b) not later
11 than September 30, 2009. This subsection expires September 1,
12 2010.

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

17 (d) This section does not apply to a political subdivision
18 whose federal-level government relations consultant is required by
19 other law to disclose, report, and make available the information
20 required by Subsection (b) to:

21 (1) the public; and

22 (2) a federal or state entity.

23 SECTION 7. The following provisions of the Government Code
24 are repealed:

25 (1) Subsections (b), (c), (d), (e), and (f), Section
26 751.006;

27 (2) Subsections (b), (e), and (f), Section 751.012;

1 and

2 (3) Sections 751.013, 751.014, and 751.024.

3 SECTION 8. The Office of State-Federal Relations and the
4 office of the governor shall establish a plan for the
5 administrative attachment of the Office of State-Federal Relations
6 to the office of the governor.

7 SECTION 9. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1003 passed the Senate on April 7, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 30, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1003 passed the House, with amendment, on May 19, 2009, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor