

By: Deuell

S.B. No. 1003

Substitute the following for S.B. No. 1003:

By: Gonzales

C.S.S.B. No. 1003

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the continuation and functions of the Office of  
3 State-Federal Relations and the administrative attachment of that  
4 agency to the office of the governor.

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

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

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

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

16 Sec. 751.003. SUNSET PROVISION. The Office of  
17 State-Federal Relations is subject to Chapter 325 (Texas Sunset  
18 Act). Unless continued in existence as provided by that chapter,  
19 the office is abolished and this chapter expires September 1, 2015  
20 ~~[2009]. [In the review of the office by the Sunset Advisory~~  
21 ~~Commission, as required by this section, the sunset commission~~  
22 ~~shall limit its review to the appropriateness of recommendations~~  
23 ~~made to the 80th Legislature. In its report to the 81st~~  
24 ~~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. Section 751.006(g), Government Code, is amended  
8 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) Sections 751.006(b), (c), (d), (e), and (f);

26 (2) Sections 751.012(b), (e), and (f); and

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

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

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