

## **BILL ANALYSIS**

Senate Research Center

S.B. 549  
By: Haywood  
Intergovernmental Relations  
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As Filed

### **DIGEST**

Currently, councils of governments provide a forum for regional planning, in addition to functioning as pass-through agencies that facilitate the implementation of state and federally funded programs, and provide necessary services on behalf of cities and counties. However, state law limits the application for oversight and operations of regional planning commissions and councils of governments. This bill revises general law to strengthen the oversight and operations of regional planning commissions and councils of government.

### **PURPOSE**

As proposed, S.B. 549 sets forth requirements regarding the oversight and operations of regional planning commissions and councils of government.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 391.002(1), Local Government Code, to redefine "local governmental unit."

SECTION 2. Amends Sections 391.005(a) and (b), Local Government Code, to authorize a regional planning commission or council of government (commission) to contract with a participating governmental unit to perform a service if the participating governmental unit could contract with another governmental unit, and the state, as well as a private organization without governmental powers to perform the service and the contract to perform the service does not impose a cost or obligation on a participating governmental unit not a party to the contract. Makes a nonsubstantive change.

SECTION 3. Amends Section 391.006, Local Government Code, by adding Subsections (c), (d), and (e), as follows:

(c) Requires the governing board of each commission to establish salary schedules for all employees, benefits available to employees, travel approval and reimbursement policies, and procurement policies and procedures. Prohibits a change in salary schedules without a compensation study of market salaries and benefits, and requires any changes to the salary schedules be consistent with the findings of the study.

(d) Requires the governing body of each commission to arrange annually for at least eight hours of training for its members. Requires training topics to include certain subjects. Authorizes training on the required topics to be provided as a part of other required training for county or municipal officials.

(e) Provides that the nepotism provisions of Chapter 573, Government Code, apply to a commission.

SECTION 4. Amends Section 391.009, Local Government Code, to authorize rather than require the governor to issue rules rather than guidelines for commissions and governmental units to carry out the provisions of this chapter, including but not limited to review and comment procedures. Requires the governing body of a commission to report to the governor annually on certain subjects. Requires each

commission to provide to the governor annually a copy of an audit of its accounts by a qualified independent auditor and other reports required by the governor to assure compliance with this chapter. Requires the governor to report any questionable expenditure or other action by the commission to the state auditor for review. Requires a commission to annually give each state agency that provides funds to the commission a written notice of its planned audit along with an opportunity to specify audit objectives to be addressed in the independent audit, within a certain time period. Requires state agencies to review a commission's most recent independent audit before initiating a field audit of the commission, and requires the coordination of the state agencies' audits. Requires a commission to send to the state auditor, the Comptroller of Public Accounts, and the Legislative Budget Board a copy of a report or an audit required under this chapter.

SECTION 5. Amends Section 391.011, Local Government Code, by adding Subsections (e) and (f), as follows:

(e) Prohibits a commission to expend public funds for certain purposes.

(f) Requires a commission to comply with the provisions of state and federal law regarding the use of state or federal funds for lobbying or advocacy.

SECTION 6. Effective date: September 1, 1999.

SECTION 7. Emergency clause.