

BILL ANALYSIS

Senate Research Center
79R3164 MFC-D

H.B. 1099
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S/C on Agriculture & Coastal Resources
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Department of State Health Services (DSHS) licenses and inspects migrant labor housing facilities with the standards for such facilities detailed in statute. However, concerns exist that the facilities are not thoroughly inspected on a routine basis, allowing housing designed to meet minimal standards to quickly fall into an extremely poor, and on occasion, unsanitary condition.

As proposed, H.B. 1099 transfers the responsibility for the licensing and inspection of migrant labor housing facilities from DSHS to the Texas Department of Housing and Community Affairs.

RULEMAKING AUTHORITY

Rulemaking authority is rescinded from the Health and Human Services Commission and the Texas Department of State Health Services and transferred to the Texas Department of Housing and Community Affairs in SECTION 1 (Section 2306.931, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 147, Health and Safety Code, by transferring it to Chapter 2306, Government Code, redesignating it as Subchapter LL, Chapter 2306, Government Code, and amending, as follows:

New heading: SUBCHAPTER LL. MIGRANT LABOR HOUSING FACILITIES

Sec. 2306.921. DEFINITIONS. Defines terms in this subchapter.

Sec. 2306.922. LICENSE REQUIRED.

Sec. 2306.923. LICENSE APPLICATION; APPLICATION INSPECTION.

Sec. 2306.924. INSPECTION.

Sec. 2306.925. FAILURE TO MEET STANDARDS; REINSPECTION. Makes a conforming change.

Sec. 2306.926. LICENSE ISSUANCE; TERM; NOT TRANSFERABLE. Makes conforming changes.

Sec. 2306.927. LICENSE POSTING. Makes a conforming change.

Sec. 2306.928. INSPECTION OF FACILITIES. Makes conforming changes.

Sec. 2306.929. FEE. Requires the governing board of the Texas Department of Housing and Community Affairs (TDHCA board) to set the license fee in an amount not to exceed \$250, rather than \$100.

Sec. 2306.930. SUSPENSION OR REVOCATION OF LICENSE. Provides that Chapter 2001 and department rules for holding a contested case hearing govern the

procedures for the suspension or revocation of a license issued under this subchapter. Makes conforming changes.

Sec. 2306.931. ENFORCEMENT; ADOPTION OF RULES. Makes conforming changes.

Sec. 2306.932. INJUNCTIVE RELIEF. Authorizes a district court for good cause shown in a hearing and on application by TDHCA, a migrant agricultural worker, or the worker's representative, to grant a temporary or permanent injunction to prohibit a person, including a person who owns or controls a migrant labor housing facility, from violating this subchapter or a rule adopted under this subchapter.

Sec. 2306.933. CIVIL PENALTY. Makes conforming changes.

SECTION 2. (a) Provides that on the effective date of the this Act, all powers and duties of the Health and Human Services Commission (HHSC) and DSHS relating to the inspection and licensing of migrant labor housing facilities are transferred to the Texas Department of Housing and Community Affairs (TDHCA). Requires HHSC and TDHCA to coordinate the transfer.

(b) Provides that the transfer does not affect the validity of any liability incurred, a license issued, a penalty assessed, a rule adopted, a proceeding, investigation, or remedy begun, a decision made, or other action taken by the executive commissioner of HHSC, the commissioner of state health services, or DSHS in connection with the inspection and licensing of migrant labor housing facilities.

(c) Provides that all rules, policies, procedures, and decisions of the executive commissioner of HHSC, the commissioner of state health services, or DSHS relating to the inspection and licensing of migrant labor housing facilities are continued in effect as rules, policies, procedures, and decisions of the TDHCA board or the executive director of that department, as appropriate, until superseded by a rule or other appropriate action of the board or the executive director of TDHCA.

(d) Provides that any action or proceeding before the executive commissioner of HHSC, the commissioner of state health services, or DSHS relating to the inspection and licensing of migrant labor housing facilities is transferred without change in status to the or the executive director of TDHCA, as appropriate, and the TDHCA board or the executive director of TDHCA assumes, without a change in status, the position of the executive commissioner or the commissioner in any action or proceeding to which the executive commissioner or commissioner is a party.

(e) Requires TDHCA to adopt fees, rules, and standards as required by Subchapter LL, Chapter 2306, Government Code, as transferred and redesignated by this Act, no later than January 1, 2006.

(f) Requires TDHCA to survey and research the quantity, availability, need, and quality of migrant labor housing facilities in the state and requires TDHCA to produce reports of the findings to the legislature no later than September 1, 2006.

SECTION 3. Effective date: September 1, 2005.