

By: Kolkhorst, Flynn, Truitt, McClendon,
et al.

H.B. No. 2542

Substitute the following for H.B. No. 2542:

By: Anderson

C.S.H.B. No. 2542

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Office of Rural
Community Affairs.

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

SECTION 1. Section 487.001(1), Government Code, is amended
to read as follows:

(1) "Board" [~~"Executive committee"~~] means the board
[~~executive committee~~] of the Office of Rural Community Affairs.

SECTION 2. Section 487.002, Government Code, is amended to
read as follows:

Sec. 487.002. SUNSET PROVISION. The Office of Rural
Community Affairs 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
[~~2007~~].

SECTION 3. Section 487.021, Government Code, is amended to
read as follows:

Sec. 487.021. BOARD [~~EXECUTIVE COMMITTEE~~]. (a) The board
[~~executive committee~~] is the governing body of the office.

(b) The board [~~executive committee~~] is composed of the
following 11 [~~nine~~] members:

(1) four [~~three~~] members who represent different
geographic regions of the state appointed by the governor,
including:

1 (A) two locally elected rural city or county
2 officials or city or county employees involved with rural
3 development; and

4 (B) two public members each of whom resides in a
5 rural city or county;

6 (2) three members appointed by the lieutenant
7 governor, including:

8 (A) one senator who resides in a rural city or
9 county; and

10 (B) two public members each of whom resides in a
11 rural city or county and is interested in rural issues; ~~and~~

12 (3) three members appointed by the speaker of the
13 house of representatives, including:

14 (A) one member of the house of representatives
15 who resides in a rural city or county; and

16 (B) two public members each of whom resides in a
17 rural city or county and is interested in rural issues; and

18 (4) the commissioner of agriculture or the
19 commissioner's designee.

20 (b-1) The two board members who are members of the
21 legislature are nonvoting members.

22 (c) In this section, "rural city or county" means a rural
23 city or county as defined by the federal community development
24 block grant nonentitlement program. ~~[The governor, the lieutenant~~
25 ~~governor, and the speaker of the house of representatives shall~~
26 ~~each appoint at least two members who possess a strong~~
27 ~~understanding of and commitment to rural interests based on the~~

1 ~~individual's personal history, including residency, occupation,~~
2 ~~and business or civic activities.]~~

3 (d) Appointments to the board [~~executive committee~~] shall
4 be made without regard to the race, color, disability, sex,
5 religion, age, or national origin of the appointees.

6 (e) The members of the board who are not serving as an
7 additional duty of an office in state government [~~executive~~
8 ~~committee~~] serve for staggered six-year terms, with the terms of
9 two or three members expiring February 1 of each odd-numbered year.
10 A member of the legislature serves at the will of the appointing
11 authority.

12 (f) Board [~~Executive committee~~] members receive no
13 compensation but are entitled to reimbursement of actual and
14 necessary expenses incurred in the performance of their duties.

15 (g) The governor shall designate a member [~~The members~~] of
16 the board as the [~~executive committee annually shall elect a~~]
17 presiding officer [~~from among the members~~] of the board to serve in
18 that capacity at the will of the governor [~~executive committee~~].

19 (h) Service on the board by a member of the legislature, the
20 commissioner of agriculture, or an officer of a county or
21 municipality is an additional duty of the individual's office.

22 SECTION 4. Sections 487.022(b) and (c), Government Code,
23 are amended to read as follows:

24 (b) A person may not be a member of the board [~~executive~~
25 ~~committee~~] and may not be an office employee employed in a "bona
26 fide executive, administrative, or professional capacity," as that
27 phrase is used for purposes of establishing an exemption to the

1 overtime provisions of the federal Fair Labor Standards Act of 1938
2 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

3 (1) the person is an officer, employee, or paid
4 consultant of a Texas trade association in the field of rural
5 affairs; or

6 (2) the person's spouse is an officer, manager, or paid
7 consultant of a Texas trade association in the field of rural
8 affairs.

9 (c) A person may not be a member of the board [~~executive~~
10 ~~committee~~] or act as the general counsel to the board [~~executive~~
11 ~~committee~~] or the office if the person is required to register as a
12 lobbyist under Chapter 305 because of the person's activities for
13 compensation on behalf of a profession related to the operation of
14 the office.

15 SECTION 5. Sections 487.023 through 487.027, Government
16 Code, are amended to read as follows:

17 Sec. 487.023. TRAINING FOR MEMBERS OF BOARD [~~EXECUTIVE~~
18 ~~COMMITTEE~~]. (a) A person who is appointed to and qualifies for
19 office as a member of the board [~~executive committee~~] may not vote,
20 deliberate, or be counted as a member in attendance at a meeting of
21 the board [~~executive committee~~] until the person completes a
22 training program that complies with this section.

23 (b) The training program must provide the person with
24 information regarding:

25 (1) the legislation that created the office [~~and the~~
26 ~~executive committee~~];

27 (2) the programs, l [~~operated by the office,~~

1 ~~[(3) the role and]~~ functions, ~~[of the office,~~
2 ~~[(4) the]~~ rules, ~~[of the office, with an emphasis on~~
3 ~~any rules that relate to disciplinary]~~ and ~~[investigatory~~
4 ~~authority,~~

5 ~~[(5) the current]~~ budget of ~~[for]~~ the office;

6 (3) ~~[(6)]~~ the results of the most recent formal audit
7 of the office;

8 (4) ~~[(7)]~~ the requirements of laws relating to~~[+]~~

9 ~~[(A) the]~~ open meetings ~~[law], [Chapter 551,~~

10 ~~[(B) the]~~ public information ~~[law], [Chapter~~
11 ~~552,~~

12 ~~[(C) the]~~ administrative procedure ~~[law],~~
13 ~~[Chapter 2001,~~ and conflicts of interest

14 ~~[(D) other laws relating to public officials,~~
15 ~~including conflict-of-interest laws]; and~~

16 (5) ~~[(8)]~~ any applicable ethics policies adopted by
17 the office ~~[executive committee]~~ or the Texas Ethics Commission.

18 (c) A person appointed to the board ~~[executive committee]~~ is
19 entitled to reimbursement, as provided by ~~[general law and]~~ the
20 General Appropriations Act, for the travel expenses incurred in
21 attending the training program regardless of whether the attendance
22 at the program occurs before or after the person qualifies for
23 office.

24 Sec. 487.024. REMOVAL. (a) It is a ground for removal from
25 the board ~~[executive committee]~~ that a member:

26 (1) does not have at the time of taking office the
27 qualifications required by Section 487.021;

1 (2) does not maintain during service on the board
2 ~~[executive committee]~~ the qualifications required by Section
3 487.021;

4 (3) is ineligible for membership under Section
5 487.022;

6 (4) cannot, because of illness or disability,
7 discharge the member's duties for a substantial part of the member's
8 term; or

9 (5) is absent from more than half of the regularly
10 scheduled board ~~[executive committee]~~ meetings that the member is
11 eligible to attend during a calendar year without an excuse
12 approved by a majority vote of the board ~~[executive committee]~~.

13 (b) The validity of an action of the board ~~[executive~~
14 ~~committee]~~ is not affected by the fact that it is taken when a
15 ground for removal of a board ~~[an executive committee]~~ member
16 exists.

17 (c) If the executive director has knowledge that a potential
18 ground for removal exists, the executive director shall notify the
19 presiding officer of the board ~~[executive committee]~~ of the
20 potential ground. The presiding officer shall then notify the
21 appointing authority ~~[governor]~~ and the attorney general that a
22 potential ground for removal exists. If the potential ground for
23 removal involves the presiding officer, the executive director
24 shall notify the next highest ranking officer of the board
25 ~~[executive committee]~~, who shall then notify the appointing
26 authority ~~[governor]~~ and the attorney general that a potential
27 ground for removal exists.

1 Sec. 487.025. DIVISION OF RESPONSIBILITY. The board
2 ~~[executive committee]~~ shall develop and implement policies that
3 clearly separate the policy-making responsibilities of the board
4 ~~[executive committee]~~ and the management responsibilities of the
5 executive director and staff of the office.

6 Sec. 487.026. EXECUTIVE DIRECTOR. (a) The board
7 ~~[executive committee]~~ may hire an executive director to serve as
8 the chief executive officer of the office and to perform the
9 administrative duties of the office.

10 (b) The executive director serves at the will of the board
11 ~~[executive committee]~~.

12 (c) The executive director may hire staff within guidelines
13 established by the board ~~[executive committee]~~.

14 Sec. 487.027. PUBLIC HEARINGS. The board ~~[executive~~
15 ~~committee]~~ shall develop and implement policies that provide the
16 public with a reasonable opportunity to appear before the board
17 ~~[executive committee]~~ and to speak on any issue under the
18 jurisdiction of the office.

19 SECTION 6. Section 487.029, Government Code, is amended to
20 read as follows:

21 Sec. 487.029. STANDARDS OF CONDUCT. The executive director
22 or the executive director's designee shall provide to members of
23 the board ~~[executive committee]~~ and to agency employees, as often
24 as necessary, information regarding the requirements for office or
25 employment under this chapter, including information regarding a
26 person's responsibilities under applicable laws relating to
27 standards of conduct for state officers or employees.

1 SECTION 7. Section 487.030, Government Code, is amended to
2 read as follows:

3 Sec. 487.030. COMPLAINTS. (a) The office shall maintain a
4 system to promptly and efficiently act on complaints [~~file on each~~
5 ~~written complaint~~] filed with the office. The office shall
6 maintain information about parties to the complaint, the subject
7 matter of the complaint, a summary of the results of the review or
8 investigation of the complaint, and its disposition [~~The file must~~
9 ~~include:~~

- 10 [~~(1) the name of the person who filed the complaint,~~
11 [~~(2) the date the complaint is received by the office,~~
12 [~~(3) the subject matter of the complaint,~~
13 [~~(4) the name of each person contacted in relation to~~
14 ~~the complaint,~~
15 [~~(5) a summary of the results of the review or~~
16 ~~investigation of the complaint, and~~
17 [~~(6) an explanation of the reason the file was closed,~~
18 ~~if the office closed the file without taking action other than to~~
19 ~~investigate the complaint].~~

20 (b) The office shall make information available describing
21 its [~~provide to the person filing the complaint and to each person~~
22 ~~who is a subject of the complaint a copy of the office's policies~~
23 ~~and] procedures for [~~relating to~~] complaint investigation and
24 resolution.~~

25 (c) The office [~~, at least quarterly until final disposition~~
26 ~~of the complaint,~~] shall periodically notify the complaint parties
27 [~~person filing the complaint and each person who is a subject of the~~

1 ~~complaint]~~ of the status of the complaint until final disposition
2 ~~[investigation unless the notice would jeopardize an undercover~~
3 ~~investigation]~~.

4 SECTION 8. Subchapter B, Chapter 487, Government Code, is
5 amended by adding Sections 487.031 and 487.032 to read as follows:

6 Sec. 487.031. USE OF TECHNOLOGY. The board shall implement
7 a policy requiring the office to use appropriate technological
8 solutions to improve the office's ability to perform its functions.
9 The policy must ensure that the public is able to interact with the
10 office on the Internet.

11 Sec. 487.032. NEGOTIATED RULEMAKING AND ALTERNATIVE
12 DISPUTE RESOLUTION PROCEDURES. (a) The board shall develop and
13 implement a policy to encourage the use of:

14 (1) negotiated rulemaking procedures under Chapter
15 2008 for the adoption of office rules; and

16 (2) appropriate alternative dispute resolution
17 procedures under Chapter 2009 to assist in the resolution of
18 internal and external disputes under the office's jurisdiction.

19 (b) The office's procedures relating to alternative dispute
20 resolution must conform, to the extent possible, to any model
21 guidelines issued by the State Office of Administrative Hearings
22 for the use of alternative dispute resolution by state agencies.

23 (c) The board shall designate a trained person to:

24 (1) coordinate the implementation of the policy
25 adopted under Subsection (a);

26 (2) serve as a resource for any training needed to
27 implement the procedures for negotiated rulemaking or alternative

1 dispute resolution; and

2 (3) collect data concerning the effectiveness of those
3 procedures, as implemented by the office.

4 SECTION 9. Section 487.051, Government Code, is amended to
5 read as follows:

6 Sec. 487.051. POWERS AND DUTIES. (a) The office shall:

7 (1) assist rural communities in the key areas of
8 economic development, community development, rural health, and
9 rural housing [~~develop a rural policy for the state in consultation~~
10 ~~with local leaders representing all facets of rural community life,~~
11 ~~academic and industry experts, and state elected and appointed~~
12 ~~officials with interests in rural communities~~];

13 (2) serve as a clearinghouse for information and
14 resources on all state and federal programs affecting rural
15 communities [~~work with other state agencies and officials to~~
16 ~~improve the results and the cost-effectiveness of state programs~~
17 ~~affecting rural communities through coordination of efforts~~];

18 (3) in consultation with rural community leaders,
19 locally elected officials, state elected and appointed officials,
20 academic and industry experts, and the interagency work group
21 created under this chapter, identify and prioritize policy issues
22 and concerns affecting rural communities in the state [~~develop~~
23 ~~programs to improve the leadership capacity of rural community~~
24 ~~leaders~~];

25 (4) make recommendations to the legislature to address
26 the concerns affecting rural communities identified under
27 Subdivision (3);

1 (5) monitor developments that have a substantial
2 effect on rural Texas communities, especially actions of state
3 government, and compile an annual report describing and evaluating
4 the condition of rural communities;

5 (6) [~~(5)~~] administer the federal community
6 development block grant nonentitlement program;

7 (7) [~~(6)~~] administer programs supporting rural health
8 care as provided by this chapter;

9 (8) [~~(7)~~] perform research to determine the most
10 beneficial and cost-effective ways to improve the welfare of rural
11 communities;

12 (9) [~~(8)~~] ensure that the office qualifies as the
13 state's office of rural health for the purpose of receiving grants
14 from the Office of Rural Health Policy of the United States
15 Department of Health and Human Services under 42 U.S.C. Section
16 254r;

17 (10) [~~(9)~~] manage the state's Medicare rural hospital
18 flexibility program under 42 U.S.C. Section 1395i-4; [~~and~~]

19 (11) [~~(10)~~] seek state and federal money available for
20 economic development in rural areas for programs under this
21 chapter; and

22 (12) in conjunction with the Department of
23 Agriculture, regularly cross-train office employees with employees
24 of the Department of Agriculture regarding the programs
25 administered and services provided by each agency to rural
26 communities.

27 (b) The office may require office employees who work at

1 locations other than the central office to be based in Department of
2 Agriculture offices.

3 SECTION 10. Section 487.052, Government Code, is amended to
4 read as follows:

5 Sec. 487.052. RULES. The board [~~executive committee~~] may
6 adopt rules as necessary to implement this chapter.

7 SECTION 11. Section 487.053(b), Government Code, is amended
8 to read as follows:

9 (b) All gifts, grants, and donations must be accepted in an
10 open meeting by a majority of the voting members of the board
11 [~~executive committee~~] and reported in the public record of the
12 meeting with the name of the donor and purpose of the gift, grant,
13 or donation.

14 SECTION 12. Section 487.054(b), Government Code, is amended
15 to read as follows:

16 (b) The board [~~executive committee~~] shall call the annual
17 meeting. The board [~~executive committee~~] shall set the time and
18 date of the meeting after consulting with the agency heads listed in
19 Subsection (a).

20 SECTION 13. Section 487.055, Government Code, is amended to
21 read as follows:

22 Sec. 487.055. ADVISORY COMMITTEES. The board [~~executive~~
23 ~~committee~~] may appoint advisory committees as necessary to assist
24 the board [~~executive committee~~] in performing its duties. An
25 advisory committee may be composed of private citizens and
26 representatives from state and local governmental entities. A
27 state or local governmental entity shall appoint a representative

1 to an advisory committee at the request of the board [~~executive~~
2 ~~committee~~]. Chapter 2110 does not apply to an advisory committee
3 created under this section.

4 SECTION 14. Section 487.056, Government Code, is amended by
5 adding Subsection (c) to read as follows:

6 (c) The office shall obtain information on the availability
7 of housing in rural communities throughout the state for all income
8 levels. The office shall include the information, and the office's
9 assessment of the information, in the office's report to the
10 legislature.

11 SECTION 15. Section 487.057(b), Government Code, is amended
12 to read as follows:

13 (b) The office shall submit the rural health work plan to
14 the board [~~executive committee~~] for approval. The board [~~executive~~
15 ~~committee~~] shall approve the rural health work plan not later than
16 August 1 of each odd-numbered year.

17 SECTION 16. Sections 487.059(b), (c), (e), (f), and (g),
18 Government Code, are amended to read as follows:

19 (b) If a member of the board [~~executive committee~~] or a
20 [~~another~~] committee established under this chapter, including an
21 advisory committee, has a financial interest in an entity that
22 applies for a monetary award, the board or committee member shall,
23 before a vote on the monetary award, disclose the fact of the board
24 or committee member's financial interest. The board or committee
25 shall enter the disclosure into the minutes of the meeting at which
26 a vote on the monetary award is taken. The board or committee
27 member may not vote on or otherwise participate in a discussion or

1 any other activity that relates to awarding the monetary award. If
2 the board or committee member does not comply with this subsection,
3 the entity is not eligible for the monetary award.

4 (c) If the executive director or another office employee has
5 a financial interest in an entity that applies for a monetary award,
6 the executive director or employee:

7 (1) shall, as soon as possible, disclose to the board
8 [~~executive committee~~] the fact of the director's or employee's
9 financial interest;

10 (2) may not participate in staff evaluations regarding
11 the monetary award; and

12 (3) if the executive director or employee under office
13 procedures may [~~has a~~] vote, or make a recommendation concerning a
14 vote, on a matter that involves the monetary award:

15 (A) shall disclose the fact of the director's or
16 employee's financial interest before a vote on the monetary award,
17 which the board or committee shall enter into the minutes of the
18 meeting at which a vote on the monetary award is taken; and

19 (B) may not vote on or otherwise participate in a
20 discussion or any other activity that relates to awarding the
21 monetary award.

22 (e) Subsections (f) and (g) apply only to a member of the
23 board or a [~~executive~~] committee who is employed by:

24 (1) an entity that offers to enter into a contract with
25 the office; or

26 (2) an entity that is under common ownership or
27 governance with or otherwise affiliated with an entity that applies

1 for a monetary award or offers to enter into a contract with the
2 office.

3 (f) The board or [~~executive~~] committee member shall, before
4 a vote on the monetary award or contract, disclose the fact of the
5 member's employment by the entity. The board or [~~executive~~]
6 committee shall enter the disclosure into the minutes of the
7 meeting at which a vote on the monetary award or contract is taken.
8 The board or [~~executive~~] committee member may not vote on or
9 otherwise participate in a discussion or any other activity that
10 relates to awarding the monetary award or contract.

11 (g) If the board or [~~executive~~] committee member does not
12 comply with Subsection (f), the entity is not eligible to be awarded
13 the monetary award or contract.

14 SECTION 17. Sections 487.103(a), (b), and (c), Government
15 Code, are amended to read as follows:

16 (a) The selection committee shall advise the board
17 [~~executive committee~~] on the progress of the program.

18 (b) The selection committee is composed of 12 members
19 appointed by the board [~~executive committee~~].

20 (c) The board [~~executive committee~~] shall consider
21 geographical representation in making appointments to the
22 selection committee.

23 SECTION 18. Sections 487.104(b) and (d), Government Code,
24 are amended to read as follows:

25 (b) The selection committee shall make selections based on
26 criteria approved by the board [~~executive committee~~] and adopted as
27 a rule of the office.

1 (d) The selection committee shall recommend to the board
2 [~~executive committee~~] guidelines to be used by rural communities in
3 the selection of students for nomination and sponsorship as
4 outstanding rural scholars.

5 SECTION 19. Section 487.107, Government Code, is amended to
6 read as follows:

7 Sec. 487.107. AWARDING OF LOANS. (a) The selection
8 committee shall recommend to the board [~~executive committee~~]
9 guidelines for the awarding of forgivable loans to outstanding
10 rural scholars.

11 (b) The board [~~executive committee~~], acting on the advice of
12 the selection committee, shall award forgivable loans to
13 outstanding rural scholars based on the availability of money in
14 the fund.

15 (c) If in any year the fund is inadequate to provide loans to
16 all eligible applicants, the board [~~executive committee~~] shall
17 award forgivable loans on a priority basis according to the
18 applicants' academic performance, test scores, and other criteria
19 of eligibility.

20 SECTION 20. Section 487.108(a), Government Code, is amended
21 to read as follows:

22 (a) On confirmation of an outstanding rural scholar's
23 admission to a postsecondary educational institution, or on receipt
24 of an enrollment report of the scholar at a postsecondary
25 educational institution, and a certification of the amount of
26 financial support needed, the selection committee annually shall
27 recommend to the board [~~executive committee~~] that the board

1 ~~[committee]~~ award a forgivable loan to the scholar in the amount of
2 50 percent of the cost of the scholar's tuition, fees, educational
3 materials, and living expenses.

4 SECTION 21. Sections 487.109(b), (c), and (d), Government
5 Code, are amended to read as follows:

6 (b) The sponsoring community shall report to the board
7 ~~[executive committee]~~ the length of time the scholar practices as a
8 health care professional in the community.

9 (c) If the board ~~[executive committee]~~ finds that a
10 sponsoring community is not in need of the scholar's services and
11 that the community is willing to forgive repayment of the principal
12 balance and interest of the scholar's loan, the board ~~[executive~~
13 ~~committee]~~ by rule may provide for the principal balance and
14 interest of one year of the scholar's loan to be forgiven for each
15 year the scholar practices in another rural community in this
16 state.

17 (d) Any amount of loan principal or interest that is not
18 forgiven under this section shall be repaid to the office with
19 reasonable collection fees in a timely manner as provided by board
20 ~~[executive committee]~~ rule.

21 SECTION 22. Section 487.112, Government Code, is amended to
22 read as follows:

23 Sec. 487.112. ADOPTION AND DISTRIBUTION OF RULES. (a) The
24 board ~~[executive committee]~~ shall adopt reasonable rules to enforce
25 the requirements, conditions, and limitations under this
26 subchapter.

27 (b) The board ~~[executive committee]~~ shall set the rate of

1 interest charged on a forgivable loan under this subchapter.

2 (c) The board [~~executive committee~~] shall adopt rules
3 necessary to ensure compliance with the federal Civil Rights Act of
4 1964 (42 U.S.C. Section 2000a et seq.) concerning nondiscrimination
5 in admissions.

6 SECTION 23. Section 487.154, Government Code, is amended to
7 read as follows:

8 Sec. 487.154. LOANS. (a) The board [~~executive committee~~]
9 may award forgivable educational loans to eligible students under
10 this subchapter.

11 (b) The board [~~executive committee~~] may award forgivable
12 loans to eligible students based on the availability of money in the
13 fund.

14 (c) If in any year the fund is inadequate to provide loans to
15 all eligible students, the board [~~executive committee~~] may award
16 forgivable loans on a priority basis according to the students'
17 academic performance, test scores, and other criteria of
18 eligibility.

19 SECTION 24. Section 487.155(a), Government Code, is amended
20 to read as follows:

21 (a) To be eligible to receive a loan under this subchapter,
22 a student must:

23 (1) be sponsored by an eligible community;

24 (2) at the time of the application for the loan, be
25 enrolled in high school or enrolled or accepted for enrollment in a
26 postsecondary educational institution in this state;

27 (3) meet academic requirements as established by the

1 board [~~executive committee~~];

2 (4) plan to complete a health care professional degree
3 or certificate program;

4 (5) plan to practice as a health care professional in a
5 qualified area of the state; and

6 (6) meet other requirements as established by the
7 board [~~executive committee~~].

8 SECTION 25. Section 487.156(c), Government Code, is amended
9 to read as follows:

10 (c) The board [~~executive committee~~] shall determine the
11 percentage of educational expenses communities are required to
12 provide under this section.

13 SECTION 26. Section 487.157(a), Government Code, is amended
14 to read as follows:

15 (a) On confirmation of an eligible student's admission to a
16 postsecondary educational institution, or on receipt of an
17 enrollment report of the student at a postsecondary educational
18 institution, and certification of the amount of financial support
19 needed, the board [~~executive committee~~] may award a forgivable loan
20 to the student in the amount of not more than the cost of the
21 student's tuition, fees, educational materials, and living
22 expenses.

23 SECTION 27. Section 487.158(b), Government Code, is amended
24 to read as follows:

25 (b) The contract must provide that if the student does not
26 provide the required services to the community or provides those
27 services for less than the required time, the student is personally

1 liable to the state for:

2 (1) the total amount of assistance the student
3 receives from the office and the sponsoring community;

4 (2) interest on the total amount at a rate set by the
5 board [~~executive committee~~]; and

6 (3) the state's reasonable expenses incurred in
7 obtaining payment, including reasonable attorney's fees.

8 SECTION 28. Section 487.159(b), Government Code, is amended
9 to read as follows:

10 (b) If the board [~~executive committee~~] finds that a
11 sponsoring community is not in need of the student's services and
12 that the community is willing to forgive repayment of the principal
13 balance and interest of the student's loan, the board [~~executive
14 committee~~] by rule may provide for the principal balance and
15 interest of the student's loan to be forgiven if the student
16 provides services in another qualified area in this state.

17 SECTION 29. Sections 487.161(b) and (c), Government Code,
18 are amended to read as follows:

19 (b) The sponsoring community shall report to the board
20 [~~executive committee~~] the length of time the student provides
21 health care services in the community in accordance with the
22 guidelines established by the board [~~executive committee~~].

23 (c) A postsecondary educational institution shall provide
24 to the board [~~executive committee~~] a copy of the academic
25 transcript of each student for whom the institution has received a
26 release that complies with state and federal open records laws and
27 that authorizes the provision of the transcript.

1 SECTION 30. Section 487.163, Government Code, is amended to
2 read as follows:

3 Sec. 487.163. ADOPTION OF RULES. (a) The board [~~executive~~
4 ~~committee~~] shall adopt reasonable rules to enforce the
5 requirements, conditions, and limitations of this subchapter.

6 (b) The board [~~executive committee~~] shall set the rate of
7 interest charged on a forgivable loan under this subchapter.

8 (c) The board [~~executive committee~~] shall adopt rules
9 necessary to ensure compliance with the federal Civil Rights Act of
10 1964 (42 U.S.C. Section 2000a et seq.) concerning nondiscrimination
11 in admissions.

12 SECTION 31. Sections 487.202, 487.203, and 487.204,
13 Government Code, are amended to read as follows:

14 Sec. 487.202. PROGRAM. (a) The board [~~executive~~
15 ~~committee~~] shall establish and administer a program under this
16 subchapter to increase the number of physicians providing primary
17 care in medically underserved communities.

18 (b) A medically underserved community may sponsor a
19 physician who has completed a primary care residency program and
20 has agreed to provide primary care in the community by contributing
21 start-up money for the physician and having that contribution
22 matched wholly or partly by state money appropriated to the office
23 [~~executive committee~~] for that purpose.

24 (c) A participating medically underserved community may
25 provide start-up money to an eligible physician over a two-year
26 period.

27 (d) The office [~~executive committee~~] may not pay more than

1 \$25,000 to a community in a fiscal year unless the board [~~executive~~
2 ~~committee~~] makes a specific finding of need by the community.

3 (e) The board [~~executive—committee~~] shall establish
4 priorities so that the neediest communities eligible for assistance
5 under this subchapter are assured the receipt of a grant.

6 Sec. 487.203. ELIGIBILITY. To be eligible to receive money
7 from the office [~~executive—committee~~], a medically underserved
8 community must:

9 (1) apply for the money; and

10 (2) provide evidence satisfactory to the board
11 [~~executive—committee~~] that it has entered into an agreement with a
12 physician for the physician to provide primary care in the
13 community for at least two years.

14 Sec. 487.204. RULES. The board [~~executive—committee~~] shall
15 adopt rules necessary for the administration of this subchapter,
16 including rules addressing:

17 (1) eligibility criteria for a medically underserved
18 community;

19 (2) eligibility criteria for a physician;

20 (3) minimum and maximum community contributions to the
21 start-up money for a physician to be matched with state money;

22 (4) conditions under which state money must be repaid
23 by a community or physician;

24 (5) procedures for disbursement of money by the office
25 [~~executive—committee~~];

26 (6) the form and manner in which a community must make
27 its contribution to the start-up money; and

1 (7) the contents of an agreement to be entered into by
2 the parties, which must include at least:

3 (A) a credit check for an eligible physician; and

4 (B) community retention of interest in any
5 property, equipment, or durable goods for seven years.

6 SECTION 32. Section 487.252, Government Code, is amended to
7 read as follows:

8 Sec. 487.252. TEXAS HEALTH SERVICE CORPS PROGRAM. (a) The
9 board [~~executive committee~~] shall establish a program in the office
10 to assist communities in recruiting and retaining physicians to
11 practice in medically underserved areas.

12 (b) The board [~~executive committee~~] by rule shall
13 establish:

14 (1) eligibility criteria for applicants;

15 (2) stipend application procedures;

16 (3) guidelines relating to stipend amounts;

17 (4) procedures for evaluating stipend applications;

18 and

19 (5) a system of priorities relating to the:

20 (A) geographic areas covered;

21 (B) medical specialties eligible to receive
22 funding under the program; and

23 (C) level of stipend support.

24 SECTION 33. Section 487.253(a), Government Code, is amended
25 to read as follows:

26 (a) The board [~~executive committee~~] shall adopt rules
27 necessary to administer this subchapter, and the office shall

1 administer the program in accordance with those rules.

2 SECTION 34. Section 487.351, Government Code, is amended by
3 adding Subsection (c) to read as follows:

4 (c) The office shall give priority to eligible activities in
5 the areas of economic development, community development, rural
6 health, and rural housing to support workforce development in
7 awarding funding for community development block grant programs.

8 SECTION 35. Subchapter I, Chapter 487, Government Code, is
9 amended by adding Section 487.3515 to read as follows:

10 Sec. 487.3515. EVALUATION OF COMMUNITY DEVELOPMENT BLOCK
11 GRANT PROGRAM. (a) The office, in consultation with the Department
12 of Agriculture, shall review and evaluate the administration of the
13 state's allocation of federal funds under the community development
14 block grant nonentitlement program and, based on the results of the
15 evaluation, streamline administration of the program and program
16 requirements. The office shall, at a minimum, evaluate:

17 (1) combining program fund categories, within
18 allowable limits provided by state statute, the General
19 Appropriations Act, and federal law and regulations;

20 (2) simplifying the grant application and scoring
21 process; and

22 (3) regularly reviewing and closing out aged
23 contracts.

24 (b) The office shall implement program changes resulting
25 from the evaluation that do not require statutory changes as soon as
26 possible, but not later than the date the office publishes the next
27 community development block grant nonentitlement program action

1 plan.

2 (c) The office shall include the findings from the
3 evaluation, program changes resulting from the evaluation, and any
4 statutory changes needed to make additional changes in the agency's
5 biennial report to the 81st Legislature.

6 (d) This section expires September 1, 2009.

7 SECTION 36. Section 487.353, Government Code, is amended by
8 amending Subsections (i) and (j) and adding Subsections (k) and (l)
9 to read as follows:

10 (i) The committee shall:

11 (1) consult with and advise the executive director on
12 the administration and enforcement of the community development
13 block grant program; and

14 (2) in consultation with the executive director and
15 office staff, review and approve grant and loan [funding]
16 applications and associated funding awards of eligible counties and
17 municipalities and advise and assist the executive director
18 regarding the allocation of program funds to those applicants.

19 (j) The committee may annually recommend to the executive
20 director a formula for allocating funds to each geographic state
21 planning region established by the governor under Chapter 391,
22 Local Government Code. The formula must give preference to regions
23 according to the regions' needs.

24 (k) An applicant for a grant, loan, or award under a
25 community development block grant program may appeal a decision of
26 the committee by filing a complaint with the board. The board shall
27 hold a hearing on a complaint filed with the board under this

1 subsection and render a decision.

2 (1) The committee is a governmental body for purposes of the
3 open meetings law, Chapter 551.

4 SECTION 37. Section 487.401, Government Code, is amended to
5 read as follows:

6 Sec. 487.401. ADMINISTRATION. (a) The board [~~executive~~
7 ~~committee~~] shall adopt rules that establish a procedure for
8 designating a hospital as a rural hospital in order for the hospital
9 to qualify for federal funds under 42 C.F.R. Part 412.

10 (b) At the hospital's request, the office shall designate
11 the hospital as a rural hospital if the hospital meets the
12 requirements for a rural hospital under the board's [~~executive~~
13 ~~committee's~~] rules.

14 SECTION 38. Section 487.451(1), Government Code, is amended
15 to read as follows:

- 16 (1) "Health care professional" means:
- 17 (A) an advanced nurse practitioner;
 - 18 (B) a dentist;
 - 19 (C) a dental hygienist;
 - 20 (D) a laboratory technician;
 - 21 (E) a licensed vocational nurse;
 - 22 (F) a licensed professional counselor;
 - 23 (G) a medical radiological technologist;
 - 24 (H) an occupational therapist;
 - 25 (I) a pharmacist;
 - 26 (J) a physical therapist;
 - 27 (K) a physician;

- 1 (L) a physician assistant;
 - 2 (M) a psychologist;
 - 3 (N) a registered nurse;
 - 4 (O) a social worker;
 - 5 (P) a speech-language pathologist;
 - 6 (Q) a veterinarian;
 - 7 (R) a chiropractor; and
 - 8 (S) another appropriate health care professional
- 9 identified by the board [~~executive committee~~].

10 SECTION 39. Section 487.452(a), Government Code, is amended
11 to read as follows:

12 (a) The board [~~executive committee~~], in collaboration with
13 Area Health Education Center Programs, shall establish a community
14 healthcare awareness and mentoring program for students to:

15 (1) identify high school students in rural and
16 underserved urban areas who are interested in serving those areas
17 as health care professionals;

18 (2) identify health care professionals in rural and
19 underserved urban areas to act as positive role models, mentors, or
20 reference resources for the interested high school students;

21 (3) introduce interested high school students to the
22 spectrum of professional health care careers through activities
23 such as health care camps and shadowing of health care
24 professionals;

25 (4) encourage a continued interest in service as
26 health care professionals in rural and underserved urban areas by
27 providing mentors and community resources for students

1 participating in training or educational programs to become health
2 care professionals; and

3 (5) provide continuing community-based support for
4 students during the period the students are attending training or
5 educational programs to become health care professionals,
6 including summer job opportunities and opportunities to mentor high
7 school students in the community.

8 SECTION 40. Section 487.454, Government Code, is amended to
9 read as follows:

10 Sec. 487.454. GRANTS; ELIGIBILITY. (a) Subject to
11 available funds, the board [~~executive committee~~] shall develop and
12 implement, as a component of the program, a grant program to support
13 employment opportunities in rural and underserved urban areas in
14 this state for students participating in training or educational
15 programs to become health care professionals.

16 (b) In awarding grants under the program, the board
17 [~~executive committee~~] shall give first priority to grants to
18 training or educational programs that provide internships to
19 students.

20 (c) To be eligible to receive a grant under the grant
21 program, a person must:

22 (1) apply for the grant on a form adopted by the board
23 [~~executive committee~~];

24 (2) be enrolled or intend to be enrolled in a training
25 or educational program to become a health care professional;

26 (3) commit to practice or work, after licensure as a
27 health care professional, for at least one year as a health care

1 professional in a rural or underserved urban area in this state; and

2 (4) comply fully with any practice or requirements
3 associated with any scholarship, loan, or other similar benefit
4 received by the student.

5 (d) As a condition of receiving a grant under the program
6 the student must agree to repay the amount of the grant, plus a
7 penalty in an amount established by rule of the board [~~executive~~
8 ~~committee~~] not to exceed two times the amount of the grant, if the
9 student becomes licensed as a health care professional and fails to
10 practice or work for at least one year as a health care professional
11 in a rural or underserved urban area in this state.

12 SECTION 41. Section 487.553, Government Code, is amended to
13 read as follows:

14 Sec. 487.553. LOAN REIMBURSEMENT PROGRAM. The board
15 [~~executive committee~~] shall establish a program in the office to
16 assist communities in recruiting health professionals to practice
17 in medically underserved communities by providing loan
18 reimbursement for health professionals who serve in those
19 communities.

20 SECTION 42. Section 487.554(a), Government Code, is amended
21 to read as follows:

22 (a) The board [~~executive committee~~] shall establish a
23 program in the office to assist communities in recruiting health
24 professionals to practice in medically underserved communities by
25 providing a stipend to health professionals who agree to serve in
26 those communities.

27 SECTION 43. Section 487.555(e), Government Code, is amended

1 to read as follows:

2 (e) A contract under this section must provide that a health
3 professional who does not provide the required services to the
4 community or provides those services for less than the required
5 time is personally liable to the state for:

6 (1) the total amount of assistance the health
7 professional received from the office and the medically underserved
8 community;

9 (2) interest on the amount under Subdivision (1) at a
10 rate set by the board [~~executive committee~~];

11 (3) the state's reasonable expenses incurred in
12 obtaining payment, including reasonable attorney's fees; and

13 (4) a penalty as established by the board [~~executive
14 committee~~] by rule to help ensure compliance with the contract.

15 SECTION 44. Section 487.556, Government Code, is amended to
16 read as follows:

17 Sec. 487.556. POWERS AND DUTIES OF OFFICE. (a) The board
18 [~~executive committee~~] shall adopt rules necessary for the
19 administration of this subchapter, including guidelines for:

20 (1) developing contracts under which loan
21 reimbursement or stipend recipients provide services to qualifying
22 communities;

23 (2) identifying the duties of the state, state agency,
24 loan reimbursement or stipend recipient, and medically underserved
25 community under the loan reimbursement or stipend contract;

26 (3) determining a rate of interest to be charged under
27 Section 487.555(e)(2);

1 (4) ensuring that a loan reimbursement or stipend
2 recipient provides access to health services to participants in
3 government-funded health benefits programs in qualifying
4 communities;

5 (5) encouraging the use of telecommunications or
6 telemedicine, as appropriate;

7 (6) prioritizing the provision of loan reimbursements
8 and stipends to health professionals who are not eligible for any
9 other state loan forgiveness, loan repayment, or stipend program;

10 (7) prioritizing the provision of loan reimbursements
11 and stipends to health professionals who are graduates of health
12 professional degree programs in this state;

13 (8) encouraging a medically underserved community
14 served by a loan reimbursement or stipend recipient to contribute
15 to the cost of the loan reimbursement or stipend when making a
16 contribution is feasible; and

17 (9) requiring a medically underserved community
18 served by a loan reimbursement or stipend recipient to assist the
19 office in contracting with the loan reimbursement or stipend
20 recipient who will serve that community.

21 (b) The board [~~executive committee~~] by rule may designate
22 areas of the state as medically underserved communities.

23 (c) The board [~~executive committee~~] shall make reasonable
24 efforts to contract with health professionals from a variety of
25 different health professions.

26 SECTION 45. Section 487.608(a), Government Code, is amended
27 to read as follows:

1 (a) The rural physician relief advisory committee is
2 composed of the following members appointed by the board [~~executive~~
3 ~~committee~~]:

4 (1) a physician who practices in the area of general
5 family medicine in a rural county;

6 (2) a physician who practices in the area of general
7 internal medicine in a rural county;

8 (3) a physician who practices in the area of general
9 pediatrics in a rural county;

10 (4) a representative from an accredited Texas medical
11 school;

12 (5) a program director from an accredited primary care
13 residency program;

14 (6) a representative from the Texas Higher Education
15 Coordinating Board; and

16 (7) a representative from the Texas [~~State Board of~~
17 Medical Board [~~Examiners~~].

18 SECTION 46. Section 110.003(a), Health and Safety Code, is
19 amended to read as follows:

20 (a) The Rural Foundation is governed by a board of five
21 directors appointed by the board [~~executive committee~~] of the
22 Office of Rural Community Affairs from individuals recommended by
23 the executive director of the Office of Rural Community Affairs.

24 SECTION 47. Section 110.010, Health and Safety Code, is
25 amended to read as follows:

26 Sec. 110.010. MEMORANDUM OF UNDERSTANDING. The Rural
27 Foundation and the Office of Rural Community Affairs shall enter

1 into a memorandum of understanding that:

2 (1) requires the board of directors and staff of the
3 foundation to report to the executive director and board [~~executive~~
4 ~~committee~~] of the Office of Rural Community Affairs;

5 (2) allows the Office of Rural Community Affairs to
6 provide staff functions to the foundation;

7 (3) allows the Office of Rural Community Affairs to
8 expend funds on the foundation; and

9 (4) outlines the financial contributions to be made to
10 the foundation from funds obtained from grants and other sources.

11 SECTION 48. (a) The nine members of the executive committee
12 of the Office of Rural Community Affairs who are serving
13 immediately before September 1, 2007, continue to serve as members
14 of the governing board of the office on and after that date
15 regardless of whether those members meet the membership
16 requirements prescribed by Subchapter B, Chapter 487, Government
17 Code, as amended by this Act. However, the positions of those nine
18 members are abolished on the date on which a majority of the 11
19 board membership positions that are created under Section 487.021,
20 Government Code, as amended by this Act, are filled and the
21 appointees qualify for office.

22 (b) The governor, the lieutenant governor, and the speaker
23 of the house of representatives shall make the 10 appointments to
24 the board under Section 487.021, Government Code, as amended by
25 this Act, as soon as possible on or after September 1, 2007. In
26 making the initial appointments, the governor shall designate two
27 members for terms expiring February 1, 2009, one member for a term

1 expiring February 1, 2011, and one member for a term expiring
2 February 1, 2013. In making the initial appointments, the
3 lieutenant governor and the speaker of the house shall each
4 designate one nonlegislative member for a term expiring February 1,
5 2011, and one nonlegislative member for a term expiring February 1,
6 2013. Any person who served as a member of the executive committee
7 before September 1, 2007, may be appointed to the board.

8 SECTION 49. This Act takes effect immediately if it
9 receives a vote of two-thirds of all the members elected to each
10 house, as provided by Section 39, Article III, Texas Constitution.
11 If this Act does not receive the vote necessary for immediate
12 effect, this Act takes effect September 1, 2007.