

BILL ANALYSIS

C.S.H.B. 1982
By: Callegari
Government Efficiency & Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties observe that the mission of the Texas Department of Rural Affairs (TDRA) is to identify and prioritize policy issues and concerns affecting rural communities in Texas in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group and to make recommendations to the legislature to address the concerns affecting rural communities.

Interested parties have determined that a stand-alone rural agency cannot serve the role anticipated by the legislature and has recommended moving TDRA into the Texas Department of Agriculture (TDA). It has been proposed that transferring the functions of TDRA to the TDA will ensure that resources are available to continue to focus on the needs of residents in rural areas.

C.S.H.B. 1982 seeks to address such proposals and recommendations by transferring the functions of TDRA to the TDA and making the necessary statutory changes.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 13 of this bill.

ANALYSIS

C.S.H.B. 1982 abolishes the Texas Department of Rural Affairs (TDRA) as an independent agency and transfers it as a program to the Office of Rural Affairs in the Department of Agriculture (TDA). The bill abolishes the board of TDRA and provides that the validity of an action taken by TDRA or its board before either is abolished is not affected by the abolishment. The bill establishes that all rules, policies, procedures, and decisions of TDRA are continued in effect as rules, policies, procedures, and decisions of the TDA until superseded by a rule, policy, procedure, or decision of the TDA. The bill establishes that any pending action or proceeding before TDRA becomes an action or proceeding before the TDA.

C.S.H.B. 1982 provides for the following, on September 1, 2011:

- the position of executive director of TDRA is abolished, except that the director of the Office of Rural Affairs in the TDA is authorized to hire the executive director for a position in the office;
- an employee of TDRA becomes an employee of the Office of Rural Affairs in the TDA;
- a reference in law to TDRA means the Office of Rural Affairs in the TDA;
- all money, contracts, leases, rights, and obligations of TDRA are transferred to the Office of Rural Affairs in the TDA;
- all property, including records, in the custody of TDRA becomes the property of the Office of Rural Affairs in the TDA; and

- all funds appropriated by the legislature to TDRA are transferred to the Office of Rural Affairs in the TDA.

C.S.H.B. 1982 establishes that a function or activity performed by TDRA is transferred to the Office of Rural Affairs in the TDA as provided by the bill's provisions. The bill requires TDRA and the TDA to establish a transition plan for the transfer described by the bill's provisions.

C.S.H.B. 1982 amends the Government Code to provide that, in the statutory provisions governing the Office of Rural Affairs in the TDA or other provisions of law, a reference to TDRA means the office; a reference to the board of TDRA means the commissioner of agriculture; and a reference in law to the executive director of TDRA means the director of the Office of Rural Affairs in the TDA appointed under provisions of the Agriculture Code.

C.S.H.B. 1982 requires the commissioner of agriculture to establish the Texas Rural Health and Economic Development Advisory Council and establishes the membership of the council and terms for its members. The bill requires the commissioner to serve as presiding officer of the advisory council and as a nonvoting member of the advisory council. The bill provides that the commissioner is not counted as a member of the advisory council for purposes of establishing a quorum. The bill requires the advisory council to advise the commissioner, director, and office on rural policy priorities; review this state's existing rural policies and programs; meet with the representatives of state agencies that administer rural programs as necessary to conduct the review; make recommendations to the office regarding the allocation in this state of federal block grant money; and establish a rural health task force composed of all or a portion of the members of the advisory council.

C.S.H.B. 1982 requires the advisory council, not later than December 1 of each even-numbered year, to develop a rural policy plan that includes: strategic initiatives for this state regarding economic development, community development, and rural health, including priorities for the use and allocation in this state of federal block grant money, and recommendations for legislation and program development or revision. The bill requires the commissioner, not later than January 1 of each even-numbered year, to submit to the legislature a report of the findings of the advisory council. The bill requires the rural health task force to assist the advisory council in its efforts to expand and improve access to health care in rural areas of this state and develop a statewide rural health plan for this state that includes strategic initiatives for this state regarding rural health, and recommendations for legislation and program development or revision. The bill prohibits a member of the advisory council from receiving compensation for service on the advisory council or rural health task force. The bill authorizes an advisory council member, subject to availability of funds, to receive reimbursement for actual and necessary expenses incurred while conducting advisory council or task force business, as appropriate.

C.S.H.B. 1982 requires, as soon as practicable after the effective date of this bill, the commissioner of agriculture, the lieutenant governor, and the speaker of the house of representatives to appoint members to the Texas Rural Health and Economic Development Advisory Council.

C.S.H.B. 1982 defines "commissioner," "office," and "advisory council" and redefines "board" and "department." The bill makes nonsubstantive and conforming changes.

C.S.H.B. 1982 repeals the following provisions of the Government Code:

- Section 487.002
- Section 487.021
- Section 487.022
- Section 487.023

- Section 487.024
- Section 487.025
- Section 487.028
- Section 487.029
- Section 487.051(b)
- Section 487.058
- Section 487.352

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1982 differs from the original by requiring the commissioner to establish the Texas Rural Health and Economic Development Advisory Council to advise the commissioner of agriculture, director of the Office of Rural Affairs, and office on rural policy priorities; review this state's existing rural policies and programs; meet with the representatives of state agencies that administer rural programs as necessary to conduct the review; make recommendations to the office regarding the allocation in this state of federal block grant money; and establish a rural health task force composed of all or a portion of the members of the advisory council, whereas the original requires the commissioner to create a rural advisory committee to advise the commissioner, director, and the office on rural policy priorities and administering community development and health programs that impact rural communities.

C.S.H.B. 1982 differs from the original by establishing the membership of the Texas Rural Health and Economic Development Advisory Council and terms for its members, and providing that the commissioner serves as the presiding officer of the council, whereas the original requires the commissioner to appoint as members of the rural advisory committee elected officials and community members with expertise in community development, economic development, and rural health and authorizing the commissioner to appoint as members of the committee individuals with expertise in education or transportation, as determined by the commissioner.

C.S.H.B. 1982 contains provisions not included in the original requiring the advisory council to develop a rural policy plan and requiring the commissioner to submit to the legislature a report of the findings of the advisory council.

C.S.H.B. 1982 contains a provision not included in the original requiring the rural health task force to assist the advisory council in its efforts to expand and improve access to health care in rural areas of this state and to develop a statewide rural health plan for this state that includes specified information. The substitute contains a provision not included in the original providing for reimbursement of council member expenses under certain circumstances. The substitute contains a provision not included in the original defining "advisory council."

C.S.H.B. 1982 contains a provision not included in the original establishing that all rules, policies, procedures, and decisions of the Texas Department of Rural Affairs (TDRA) are continued in effect as rules, policies, procedures, and decisions of Office of Rural Affairs in the Department of Agriculture (TDA) until superseded by a rule, policy, procedure, or decision of the TDA. The substitute contains a provision not included in the original establishing that any pending action or proceeding before TDRA becomes an action or proceeding before the TDA.

C.S.H.B. 1982 contains a provision not included in the original requiring, as soon as practicable after the effective date of this bill, the commissioner of agriculture, the lieutenant governor, and

the speaker of the house of representatives to appoint members to the Texas Rural Health and Economic Development Advisory Council.