

By: Callegari

H.B. No. 1982

Substitute the following for H.B. No. 1982:

By: Frullo

C.S.H.B. No. 1982

A BILL TO BE ENTITLED

1 AN ACT

2 relating to transferring the Texas Department of Rural Affairs to
3 the Office of Rural Affairs within the Department of Agriculture,
4 abolishing the board of the Texas Department of Rural Affairs, and
5 establishing an advisory council.

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

7 SECTION 1. The heading to Chapter 487, Government Code, is
8 amended to read as follows:

9 CHAPTER 487. OFFICE [~~TEXAS DEPARTMENT~~] OF RURAL
10 AFFAIRS IN DEPARTMENT OF AGRICULTURE

11 SECTION 2. Section 487.001, Government Code, is amended to
12 read as follows:

13 Sec. 487.001. DEFINITIONS. In this chapter:

14 (1) "Board" means the commissioner [~~board of the Texas~~
15 ~~Department of Rural Affairs~~].

16 (2) "Commissioner" means the commissioner of
17 agriculture.

18 (3) "Department" means the office [~~Texas Department of~~
19 ~~Rural Affairs~~].

20 (4) "Office" means the Office of Rural Affairs
21 established within the Department of Agriculture under Section
22 12.038, Agriculture Code.

23 SECTION 3. Subchapter A, Chapter 487, Government Code, is
24 amended by adding Section 487.003 to read as follows:

1 Sec. 487.003. REFERENCE IN LAW. (a) A reference in this
2 chapter or other law to the Texas Department of Rural Affairs means
3 the office and a reference in this chapter or other law to the board
4 of the Texas Department of Rural Affairs means the commissioner.

5 (b) A reference in law to the executive director of the
6 Texas Department of Rural Affairs means the director of the Office
7 of Rural Affairs appointed under Section 12.038, Agriculture Code.

8 SECTION 4. Section 487.026, Government Code, is amended to
9 read as follows:

10 Sec. 487.026. [~~EXECUTIVE~~] DIRECTOR. (a) The [~~board may~~
11 ~~hire an executive~~] director serves [~~to serve~~] as the chief
12 executive officer of the office [~~department~~] and performs [~~to~~
13 ~~perform~~] the administrative duties of the office [~~department~~].

14 (b) [~~The executive director serves at the will of the board.~~

15 [~~(c)~~] The [~~executive~~] director may hire staff within
16 guidelines established by the commissioner [~~board~~].

17 SECTION 5. Section 487.051(a), Government Code, is amended
18 to read as follows:

19 (a) The office [~~department~~] shall:

20 (1) assist rural communities in the key areas of
21 economic development, community development, rural health, and
22 rural housing;

23 (2) serve as a clearinghouse for information and
24 resources on all state and federal programs affecting rural
25 communities;

26 (3) in consultation with rural community leaders,
27 locally elected officials, state elected and appointed officials,

1 academic and industry experts, and the interagency work group
2 created under this chapter, identify and prioritize policy issues
3 and concerns affecting rural communities in the state;

4 (4) make recommendations to the legislature to address
5 the concerns affecting rural communities identified under
6 Subdivision (3);

7 (5) monitor developments that have a substantial
8 effect on rural Texas communities, especially actions of state
9 government, and compile an annual report describing and evaluating
10 the condition of rural communities;

11 (6) administer the federal community development
12 block grant nonentitlement program;

13 (7) administer programs supporting rural health care
14 as provided by this chapter;

15 (8) perform research to determine the most beneficial
16 and cost-effective ways to improve the welfare of rural
17 communities;

18 (9) ensure that the office [~~department~~] qualifies as
19 the state's office of rural health for the purpose of receiving
20 grants from the Office of Rural Health Policy of the United States
21 Department of Health and Human Services under 42 U.S.C. Section
22 254r;

23 (10) manage the state's Medicare rural hospital
24 flexibility program under 42 U.S.C. Section 1395i-4;

25 (11) seek state and federal money available for
26 economic development in rural areas for programs under this
27 chapter;

1 (12) in conjunction with other offices and divisions
2 of the Department of Agriculture, regularly cross-train office
3 [~~department~~] employees with other employees of the Department of
4 Agriculture regarding the programs administered and services
5 provided [~~by each agency~~] to rural communities; and

6 (13) work with interested persons to assist volunteer
7 fire departments and emergency services districts in rural areas.

8 SECTION 6. Section 487.0541(c), Government Code, is amended
9 to read as follows:

10 (c) The work group shall meet at the call of the [~~executive~~]
11 director of the office [~~department~~].

12 SECTION 7. Section 487.055, Government Code, is amended to
13 read as follows:

14 Sec. 487.055. ADVISORY COMMITTEES. (a) The commissioner
15 [~~board~~] may appoint advisory committees as necessary to assist the
16 office [~~board~~] in performing its duties. An advisory committee may
17 be composed of private citizens and representatives from state and
18 local governmental entities. A state or local governmental entity
19 shall appoint a representative to an advisory committee at the
20 request of the commissioner [~~board~~].

21 (b) Chapter 2110 does not apply to an advisory committee
22 created under this section.

23 SECTION 8. Section 487.351(d), Government Code, is amended
24 to read as follows:

25 (d) An applicant for a grant, loan, or award under a
26 community development block grant program may appeal a decision of
27 the [~~executive~~] director by filing an appeal with the commissioner

1 ~~[board]~~. The commissioner ~~[board]~~ shall hold a hearing on the
2 appeal and render a decision.

3 SECTION 9. Chapter 487, Government Code, is amended by
4 adding Subchapter R to read as follows:

5 SUBCHAPTER R. TEXAS RURAL HEALTH AND ECONOMIC DEVELOPMENT

6 ADVISORY COUNCIL

7 Sec. 487.801. DEFINITION. In this subchapter, "advisory
8 council" means the Texas Rural Health and Economic Development
9 Advisory Council established under this subchapter.

10 Sec. 487.802. ESTABLISHMENT AND COMPOSITION OF ADVISORY
11 COUNCIL; PRESIDING OFFICER. (a) The commissioner shall establish
12 the Texas Rural Health and Economic Development Advisory Council,
13 composed of the following members:

14 (1) one local official in this state with health care
15 expertise, appointed by the commissioner;

16 (2) one county official in this state with health care
17 expertise, appointed by the commissioner;

18 (3) one senator serving a predominantly rural area,
19 appointed by the lieutenant governor;

20 (4) one member of the house of representatives serving
21 a predominantly rural area, appointed by the speaker of the house of
22 representatives;

23 (5) a representative of an institution of higher
24 education in this state that specializes in public health and
25 community and economic development, appointed by the commissioner;
26 and

27 (6) four public members with health care or economic

1 development expertise, appointed by the commissioner.

2 (b) The members of the advisory council serve staggered
3 three-year terms. A member of the council appointed by the
4 commissioner serves at the pleasure of the commissioner.

5 (c) The commissioner shall serve as presiding officer of the
6 advisory council and as a nonvoting member of the advisory council.
7 The commissioner is not counted as a member of the advisory council
8 for purposes of establishing a quorum.

9 Sec. 487.803. DUTIES OF ADVISORY COUNCIL. The advisory
10 council shall:

11 (1) advise the commissioner, director, and office on
12 rural policy priorities, including priorities for the use and
13 allocation in this state of federal block grant money;

14 (2) review this state's existing rural policies and
15 programs;

16 (3) meet with the representatives of state agencies
17 that administer rural programs as necessary to conduct the review
18 required under Subdivision (2);

19 (4) make recommendations to the office regarding the
20 allocation in this state of federal block grant money; and

21 (5) establish a rural health task force composed of
22 all or a portion of the members of the advisory council.

23 Sec. 487.804. RURAL POLICY PLAN. (a) Not later than
24 December 1 of each even-numbered year, the advisory council shall
25 develop a rural policy plan that includes:

26 (1) strategic initiatives for this state regarding
27 economic development, community development, and rural health,

1 including priorities for the use and allocation in this state of
2 federal block grant money; and

3 (2) recommendations for legislation and program
4 development or revision.

5 (b) Not later than January 1 of each even-numbered year, the
6 commissioner shall submit to the legislature a report of the
7 findings of the advisory council.

8 Sec. 487.805. RURAL HEALTH TASK FORCE. The rural health
9 task force shall:

10 (1) assist the advisory council in its efforts to
11 expand and improve access to health care in rural areas of this
12 state; and

13 (2) develop a statewide rural health plan for this
14 state that includes:

15 (A) strategic initiatives for this state
16 regarding rural health; and

17 (B) recommendations for legislation and program
18 development or revision.

19 Sec. 487.806. REIMBURSEMENT OF EXPENSES. A member of the
20 advisory council may not receive compensation for service on the
21 advisory council or rural health task force. Subject to
22 availability of funds, an advisory council member may receive
23 reimbursement for actual and necessary expenses incurred while
24 conducting advisory council or task force business, as appropriate.

25 SECTION 10. Section 535.051(b), Government Code, is amended
26 to read as follows:

27 (b) The chief administrative officer of each of the

1 following state agencies, in consultation with the governor, shall
2 designate one employee from the agency to serve as a liaison for
3 faith- and community-based organizations:

4 (1) the Office of Rural [~~Community~~] Affairs within the
5 Department of Agriculture;

6 (2) the Texas Commission on Environmental Quality;

7 (3) the Texas Department of Criminal Justice;

8 (4) the Texas Department of Housing and Community
9 Affairs;

10 (5) the Texas Education Agency;

11 (6) the Texas Juvenile Probation Commission;

12 (7) the Texas Veterans Commission;

13 (8) the Texas Workforce Commission;

14 (9) the Texas Youth Commission; and

15 (10) other state agencies as determined by the
16 governor.

17 SECTION 11. Section 2306.1092(b), Government Code, is
18 amended to read as follows:

19 (b) The council is composed of 16 members consisting of:

20 (1) the director;

21 (2) one representative from each of the following
22 agencies, appointed by the head of that agency:

23 (A) the Office of Rural [~~Community~~] Affairs
24 within the Department of Agriculture;

25 (B) the Texas State Affordable Housing
26 Corporation;

27 (C) the Health and Human Services Commission;

1 (D) the Department of Assistive and
2 Rehabilitative Services;

3 (E) the Department of Aging and Disability
4 Services; and

5 (F) the Department of State Health Services;

6 (3) one representative from the Department of
7 Agriculture who is:

8 (A) knowledgeable about the Texans Feeding
9 Texans and Retire in Texas programs or similar programs; and

10 (B) appointed by the head of that agency;

11 (4) one member who is:

12 (A) a member of the Health and Human Services
13 Commission Promoting Independence Advisory Committee; and

14 (B) appointed by the governor; and

15 (5) one representative from each of the following
16 interest groups, appointed by the governor:

17 (A) financial institutions;

18 (B) multifamily housing developers;

19 (C) health services entities;

20 (D) nonprofit organizations that advocate for
21 affordable housing and consumer-directed long-term services and
22 support;

23 (E) consumers of service-enriched housing;

24 (F) advocates for minority issues; and

25 (G) rural communities.

26 SECTION 12. Sections 487.002, 487.021, 487.022, 487.023,
27 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and

1 487.352, Government Code, are repealed.

2 SECTION 13. (a) The Texas Department of Rural Affairs is
3 abolished as an independent agency and transferred as a program to
4 the Office of Rural Affairs in the Department of Agriculture. The
5 board of the Texas Department of Rural Affairs is abolished.

6 (b) The validity of an action taken by the Texas Department
7 of Rural Affairs or its board before either is abolished under
8 Subsection (a) of this section is not affected by the abolishment.

9 (c) All rules, policies, procedures, and decisions of the
10 Texas Department of Rural Affairs are continued in effect as rules,
11 policies, procedures, and decisions of the Office of Rural Affairs
12 in the Department of Agriculture until superseded by a rule,
13 policy, procedure, or decision of the office.

14 (d) Any pending action or proceeding before the Texas
15 Department of Rural Affairs becomes an action or proceeding before
16 the Office of Rural Affairs in the Department of Agriculture.

17 SECTION 14. (a) On September 1, 2011:

18 (1) the position of executive director of the Texas
19 Department of Rural Affairs is abolished, except that the director
20 of the Office of Rural Affairs in the Department of Agriculture may
21 hire the executive director for a position in the office;

22 (2) an employee of the Texas Department of Rural
23 Affairs becomes an employee of the Office of Rural Affairs in the
24 Department of Agriculture;

25 (3) a reference in law to the Texas Department of Rural
26 Affairs means the Office of Rural Affairs in the Department of
27 Agriculture;

1 (4) all money, contracts, leases, rights, and
2 obligations of the Texas Department of Rural Affairs are
3 transferred to the Office of Rural Affairs in the Department of
4 Agriculture;

5 (5) all property, including records, in the custody of
6 the Texas Department of Rural Affairs becomes the property of the
7 Office of Rural Affairs in the Department of Agriculture; and

8 (6) all funds appropriated by the legislature to the
9 Texas Department of Rural Affairs are transferred to the Office of
10 Rural Affairs in the Department of Agriculture.

11 (b) A function or activity performed by the Texas Department
12 of Rural Affairs is transferred to the Office of Rural Affairs in
13 the Department of Agriculture as provided by this Act.

14 SECTION 15. As soon as practicable after the effective date
15 of this Act, the commissioner of agriculture, the lieutenant
16 governor, and the speaker of the house of representatives shall
17 appoint members to the Texas Rural Health and Economic Development
18 Advisory Council as required by Subchapter R, Chapter 487,
19 Government Code, as added by this Act.

20 SECTION 16. The Texas Department of Rural Affairs and the
21 Department of Agriculture shall establish a transition plan for the
22 transfer described in Sections 13 and 14 of this Act.

23 SECTION 17. This Act takes effect September 1, 2011.