

By: Callegari

H.B. No. 1982

A BILL TO BE ENTITLED

AN ACT

1
2 relating to transferring the Texas Department of Rural Affairs to
3 the Office of Rural Affairs within the Department of Agriculture
4 and abolishing the board of the Texas Department of Rural Affairs.

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

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

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

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

12 Sec. 487.001. DEFINITIONS. In this chapter:

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

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

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

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

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

24 Sec. 487.003. REFERENCE IN LAW. (a) A reference in this

1 chapter or other law to the Texas Department of Rural Affairs means
2 the office and a reference in this chapter or other law to the board
3 of the Texas Department of Rural Affairs means the commissioner.

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

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

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

13 (b) ~~[The executive director serves at the will of the board.~~
14 ~~[(c)]~~ The ~~[executive]~~ director may hire staff within
15 guidelines established by the commissioner ~~[board]~~.

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

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

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

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

25 (3) in consultation with rural community leaders,
26 locally elected officials, state elected and appointed officials,
27 academic and industry experts, and the interagency work group

1 created under this chapter, identify and prioritize policy issues
2 and concerns affecting rural communities in the state;

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

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

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

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

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

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

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

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

27 (12) in conjunction with other offices and divisions

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

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

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

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

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

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

20 (b) The commissioner shall create a rural advisory
21 committee to advise the commissioner, director, and office on rural
22 policy priorities and administering community development and
23 health programs that impact rural communities. The commissioner
24 shall appoint as members of the committee elected officials and
25 community members with expertise in community development,
26 economic development, and rural health and may appoint as members
27 of the committee individuals with expertise in education or

1 transportation, as determined by the commissioner.

2 (c) Chapter 2110 does not apply to an advisory committee
3 created under this section.

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

6 (d) An applicant for a grant, loan, or award under a
7 community development block grant program may appeal a decision of
8 the [~~executive~~] director by filing an appeal with the commissioner
9 [~~board~~]. The commissioner [~~board~~] shall hold a hearing on the
10 appeal and render a decision.

11 SECTION 9. Section 535.051(b), Government Code, is amended
12 to read as follows:

13 (b) The chief administrative officer of each of the
14 following state agencies, in consultation with the governor, shall
15 designate one employee from the agency to serve as a liaison for
16 faith- and community-based organizations:

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

19 (2) the Texas Commission on Environmental Quality;

20 (3) the Texas Department of Criminal Justice;

21 (4) the Texas Department of Housing and Community
22 Affairs;

23 (5) the Texas Education Agency;

24 (6) the Texas Juvenile Probation Commission;

25 (7) the Texas Veterans Commission;

26 (8) the Texas Workforce Commission;

27 (9) the Texas Youth Commission; and

1 (10) other state agencies as determined by the
2 governor.

3 SECTION 10. Section 2306.1092(b), Government Code, is
4 amended to read as follows:

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

6 (1) the director;

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

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

11 (B) the Texas State Affordable Housing
12 Corporation;

13 (C) the Health and Human Services Commission;

14 (D) the Department of Assistive and
15 Rehabilitative Services;

16 (E) the Department of Aging and Disability
17 Services; and

18 (F) the Department of State Health Services;

19 (3) one representative from the Department of
20 Agriculture who is:

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

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

24 (4) one member who is:

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

27 (B) appointed by the governor; and

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

3 (A) financial institutions;

4 (B) multifamily housing developers;

5 (C) health services entities;

6 (D) nonprofit organizations that advocate for
7 affordable housing and consumer-directed long-term services and
8 support;

9 (E) consumers of service-enriched housing;

10 (F) advocates for minority issues; and

11 (G) rural communities.

12 SECTION 11. Sections 487.002, 487.021, 487.022, 487.023,
13 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and
14 487.352, Government Code, are repealed.

15 SECTION 12. (a) The Texas Department of Rural Affairs is
16 abolished as an independent agency and transferred as a program to
17 the Office of Rural Affairs in the Department of Agriculture. The
18 board of the Texas Department of Rural Affairs is abolished.

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

22 SECTION 13. On September 1, 2011:

23 (1) the position of executive director of the Texas
24 Department of Rural Affairs is abolished, except that the director
25 of the Office of Rural Affairs in the Department of Agriculture may
26 hire the executive director for a position in the office;

27 (2) an employee of the Texas Department of Rural

1 Affairs becomes an employee of the Office of Rural Affairs in the
2 Department of Agriculture;

3 (3) a reference in law to the Texas Department of Rural
4 Affairs means the Office of Rural Affairs in the Department of
5 Agriculture;

6 (4) all money, contracts, leases, rights, and
7 obligations of the Texas Department of Rural Affairs are
8 transferred to the Office of Rural Affairs in the Department of
9 Agriculture;

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

13 (6) all funds appropriated by the legislature to the
14 Texas Department of Rural Affairs are transferred to the Office of
15 Rural Affairs in the Department of Agriculture.

16 SECTION 14. A function or activity performed by the Texas
17 Department of Rural Affairs is transferred to the Office of Rural
18 Affairs in the Department of Agriculture as provided by this Act.

19 SECTION 15. The Texas Department of Rural Affairs and the
20 Department of Agriculture shall establish a transition plan for the
21 transfer described in Sections 12 and 13 of this Act.

22 SECTION 16. This Act takes effect September 1, 2011.