

By: Williams

S.B. No. 1080

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

Sec. 487.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

1 chapter or other law to the board of the Department of Rural Affairs
2 means the commissioner.

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

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

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

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

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

- 17 (a) The office ~~[department]~~ shall:
- 18 (1) assist rural communities in the key areas of
19 economic development, community development, rural health, and
20 rural housing;
 - 21 (2) serve as a clearinghouse for information and
22 resources on all state and federal programs affecting rural
23 communities;
 - 24 (3) in consultation with rural community leaders,
25 locally elected officials, state elected and appointed officials,
26 academic and industry experts, and the interagency work group
27 created under this chapter, identify and prioritize policy issues

1 and concerns affecting rural communities in the state;

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

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

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

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

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

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

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

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

26 (12) in conjunction with other offices and divisions
27 of the Department of Agriculture, regularly cross-train office

1 ~~[department]~~ employees with other employees of the Department of
2 Agriculture regarding the programs administered and services
3 provided ~~[by each agency]~~ to rural communities; and

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

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

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

10 SECTION 7. Section 487.351(d), Government Code, is amended
11 to read as follows:

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

17 SECTION 8. Section 535.051(b), Government Code, is amended
18 to read as follows:

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

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

25 (2) the Texas Commission on Environmental Quality;

26 (3) the Texas Department of Criminal Justice;

27 (4) the Texas Department of Housing and Community

1 Affairs;

2 (5) the Texas Education Agency;

3 (6) the Texas Juvenile Probation Commission;

4 (7) the Texas Veterans Commission;

5 (8) the Texas Workforce Commission;

6 (9) the Texas Youth Commission; and

7 (10) other state agencies as determined by the
8 governor.

9 SECTION 9. Section 2306.1092(b), Government Code, is
10 amended to read as follows:

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

12 (1) the director;

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

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

17 (B) the Texas State Affordable Housing
18 Corporation;

19 (C) the Health and Human Services Commission;

20 (D) the Department of Assistive and
21 Rehabilitative Services;

22 (E) the Department of Aging and Disability
23 Services; and

24 (F) the Department of State Health Services;

25 (3) one representative from the Department of
26 Agriculture who is:

27 (A) knowledgeable about the Texans Feeding

1 Texans and Retire in Texas programs or similar programs; and

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

3 (4) one member who is:

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

6 (B) appointed by the governor; and

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

9 (A) financial institutions;

10 (B) multifamily housing developers;

11 (C) health services entities;

12 (D) nonprofit organizations that advocate for
13 affordable housing and consumer-directed long-term services and
14 support;

15 (E) consumers of service-enriched housing;

16 (F) advocates for minority issues; and

17 (G) rural communities.

18 SECTION 10. Sections 487.002, 487.021, 487.022, 487.023,
19 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and
20 487.352, Government Code, are repealed.

21 SECTION 11. (a) The Texas Department of Rural Affairs is
22 abolished as an independent agency and transferred as a program to
23 the Office of Rural Affairs in the Department of Agriculture. The
24 board of the Texas Department of Rural Affairs is abolished.

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

1 SECTION 12. On September 1, 2011:

2 (1) the position of executive director of the Texas
3 Department of Rural Affairs is abolished, except that the director
4 of the Office of Rural Affairs in the Department of Agriculture may
5 hire the executive director for a position in the office;

6 (2) an employee of the Texas Department of Rural
7 Affairs becomes an employee of the Office of Rural Affairs in the
8 Department of Agriculture;

9 (3) a reference in law to the Texas Department of Rural
10 Affairs means the Office of Rural Affairs in the Department of
11 Agriculture;

12 (4) all money, contracts, leases, rights, and
13 obligations of the Texas Department of Rural Affairs are
14 transferred to the Office of Rural Affairs in the Department of
15 Agriculture;

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

19 (6) all funds appropriated by the legislature to the
20 Texas Department of Rural Affairs are transferred to the Office of
21 Rural Affairs in the Department of Agriculture.

22 SECTION 13. A function or activity performed by the Texas
23 Department of Rural Affairs is transferred to the Office of Rural
24 Affairs in the Department of Agriculture as provided by this Act.

25 SECTION 14. The Texas Department of Rural Affairs and the
26 Department of Agriculture shall establish a transition plan for the
27 transfer described in Sections 11 and 12 of this Act.

1 SECTION 15. This Act takes effect September 1, 2011.