

By: Alonzo

H.B. No. 3798

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an agriculture and rural ombudsman office.

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

SECTION 1. Subtitle F, Title 4, Government Code, is amended by adding Chapter 482 to read as follows:

CHAPTER 482. AGRICULTURE AND RURAL OMBUDSMAN OFFICE

Sec. 482.001. DEFINITIONS. In this chapter:

(1) "Agriculture business" means a current or aspiring agriculture producer or agriculture-related business, including:

(A) a farmer;

(B) a small-scale food producer, processor, or manufacturer;

(C) a farmers market operator; and

(D) an institution that purchases agricultural products directly from agriculture producers.

(2) "Executive director" means the executive director of the Texas Economic Development and Tourism Office.

(3) "Office" means the agriculture and rural ombudsman office created under this chapter.

(4) "Ombudsman" means the individual who has been selected under this chapter as the agriculture and rural ombudsman.

Sec. 482.002. ESTABLISHMENT; PURPOSE. The office of the governor shall establish an agriculture and rural ombudsman office

1 within the Texas Economic Development and Tourism Office for the  
2 purpose of assisting agriculture businesses and businesses located  
3 in rural areas.

4 Sec. 482.003. QUALIFICATION; APPOINTMENT. (a) The  
5 ombudsman must have expertise in local, state, or federal  
6 regulations applicable to agriculture businesses and businesses  
7 located in rural areas.

8 (b) The executive director shall select the ombudsman.

9 Sec. 482.004. ASSISTANTS. (a) The ombudsman with the  
10 approval of the executive director may employ assistants to, under  
11 the direction of the ombudsman, perform the same duties and  
12 exercise the same powers as the ombudsman.

13 (b) The ombudsman with the approval of the executive  
14 director may employ persons or contract for specific services as  
15 necessary to carry out this chapter, including legal counsel and  
16 other professional and administrative staff that are necessary to  
17 provide services to agriculture businesses and businesses located  
18 in rural areas.

19 Sec. 482.005. RULES. The executive director shall adopt  
20 rules proposed by the ombudsman to implement this chapter.

21 Sec. 482.006. PROMOTION OF AWARENESS OF OFFICE. The  
22 ombudsman shall promote public awareness of:

- 23 (1) how the office may be contacted;  
24 (2) the purpose of the office; and  
25 (3) the services the office provides.

26 Sec. 482.007. DUTIES AND POWERS OF OFFICE. The office  
27 shall:

1           (1) respond to questions about local, state, and  
2 federal regulations that apply to agriculture businesses and  
3 businesses located in rural areas;

4           (2) provide contact information for local, state, and  
5 federal officials that may assist agriculture businesses and  
6 businesses located in rural areas in complying with regulations;

7           (3) provide assurance to local and state regulatory  
8 agencies that agriculture businesses and businesses located in  
9 rural areas that are receiving assistance from the ombudsman are  
10 meeting applicable legal and regulatory requirements; and

11           (4) ensure that agriculture businesses and businesses  
12 located in rural areas are treated fairly and expeditiously in  
13 regulatory application and review processes.

14           Sec. 482.008. ACCESS TO INFORMATION. (a) A governmental  
15 entity shall allow the office access to the entity's records  
16 relating to action taken by the entity that affects an agriculture  
17 business or a business located in a rural area.

18           (b) The ombudsman may use the information obtained under  
19 this section for the purposes of assisting agriculture businesses  
20 and businesses located in rural areas, evaluating governmental  
21 entities' application of laws affecting agriculture businesses and  
22 businesses located in rural areas, and making recommendations for  
23 legislation.

24           Sec. 482.009. CONFIDENTIALITY OF RECORDS. The office shall  
25 maintain the confidentiality of personal information obtained  
26 under Section 482.008 and other information obtained under that  
27 section that is confidential under Chapter 552.

1       Sec. 482.010. REPORT. On or before January 1 of each year,  
2 the ombudsman shall submit to the governor, the lieutenant  
3 governor, and each member of the legislature a report that  
4 describes, for the one-year period preceding the report:

5           (1) the activities of the ombudsman;

6           (2) the types of and number of complaints and  
7 inquiries submitted to the ombudsman;

8           (3) any recommendations the ombudsman has relating to  
9 the office; and

10          (4) any legislative proposals relating to agriculture  
11 businesses and businesses located in rural areas.

12       SECTION 2. Not later than January 1, 2018, the office of the  
13 governor shall establish the agriculture and rural ombudsman office  
14 under Chapter 482, Government Code, as added by this Act, and the  
15 executive director of the Texas Economic Development and Tourism  
16 Office shall select the agriculture and rural ombudsman.

17       SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2017.