

By: Zwiener

H.B. No. 3115

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 governmental entity
15 shall provide the office access to the governmental entity's
16 records that relate to a complaint the office is reviewing or
17 investigating.

18 Sec. 482.009. CONFIDENTIALITY OF RECORDS. The office shall
19 maintain the confidentiality of personal information obtained
20 under Section 482.008 and other information obtained under that
21 section that is confidential under Chapter 552.

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

26 (1) the activities of the ombudsman;

27 (2) the types of and number of complaints and

1 inquiries submitted to the ombudsman;

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

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

6 SECTION 2. Not later than January 1, 2020, the office of the
7 governor shall establish the agriculture and rural ombudsman office
8 under Chapter 482, Government Code, as added by this Act, and the
9 executive director of the Texas Economic Development and Tourism
10 Office shall select the agriculture and rural ombudsman.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2019.