

By: Bonnen

H.B. No. 1912

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.

SECTION 12. On September 1, 2011:

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

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

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

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

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

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

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

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

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