

## **BILL ANALYSIS**

Senate Research Center  
81R8906 MCK-D

H.B. 1918  
By: Darby et al. (Estes)  
Agriculture & Rural Affairs  
4/30/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Office of Rural Community Affairs (ORCA) was created in 2001 by the 77th Legislature, Regular Session. ORCA's main functions include coordinating rural programs among state agencies, participating in disaster relief efforts, and awarding grants to rural communities and nonprofit hospitals that operate in rural areas.

Since ORCA's creation, there has been confusion among other state agencies and members of the public regarding ORCA's role. The most frequent assumption is that the office is a private nonprofit corporation rather than a state agency.

H.B. 1918 clarifies ORCA's role by changing its name to the Texas Department of Rural Affairs.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Office of Rural Community Affairs is transferred to the Texas Department of Rural Affairs in SECTION 20 (Section 487.032, Government Code), SECTION 32 (Section 487.102, Government Code), SECTION 33 (Section 487.105(b), Government Code), SECTION 47 (Section 487.204, Government Code), SECTION 49 (Section 487.253, Government Code), SECTION 53 (Section 487.302, Government Code), SECTION 55 (Section 487.304, Government Code), SECTION 56 (Section 487.351, Government Code), SECTION 59 (Section 487.354, Government Code), SECTION 72 (Section 487.556(a), Government Code), and SECTION 100 (Section 204.104(b), Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 12.040(f), Agriculture Code, to require the Texas Department of Agriculture (TDA) to consult with the Texas Department of Rural Affairs (TDRA), rather than the Office of Rural Community Affairs (ORCA), to establish parameters for certification of rural communities under this section.

SECTION 2. Amends Section 38.060(a), Education Code, to provide that this section applies only to a school-based health center serving an area that is located in a county with a population not greater than 50,000; or has been designated under state or federal law as a health professional shortage area; a medically underserved area; or a medically underserved community by TDRA, rather than ORCA.

SECTION 3. Amends Sections 51.918(a) and (c), Education Code, to make conforming changes.

SECTION 4. Amends Section 58.007(b)(1), Education Code, to create the Primary Care Residency Advisory Committee and to require that it consist of 12 members as follows:

(A) seven members are required to be licensed physicians, one appointed by each of certain entities;

(B) one member is required to be appointed by TDRA, rather than ORCA; one member is required to be appointed by the Bureau of Community Oriented Primary Care at the Department of State Health Services (DSHS), rather than the Department of Health (TDH); and three members are required to be members of the public, one appointed by the governor, the lieutenant governor, and the speaker of the house of representatives.

SECTION 5. Amends Section 61.0899, Education Code, to make conforming changes.

SECTION 6. Amends Section 403.1065(c), Government Code, to authorize the available earnings of the fund to be appropriated to TDRA, rather than ORCA, for the purposes of Subchapter H (Rural Health Facility Capital Improvement), Chapter 487 (Office of Rural Community Affairs).

SECTION 7. Amends Section 405.021(c), Government Code, to make a conforming change.

SECTION 8. Amends the heading to Chapter 487, Government Code, to read as follows:

CHAPTER 487. TEXAS DEPARTMENT OF RURAL AFFAIRS

SECTION 9. Amends Section 487.001, Government Code, to read as follows:

Sec. 487.001. DEFINITIONS. Redefines "board." Defines "department," rather than "office."

SECTION 10. Amends Section 487.002, Government Code, to make conforming changes.

SECTION 11. Amends Section 487.021(a), Government Code, to make a conforming change.

SECTION 12. Amends Sections 487.022(b) and (c), Government Code, to make conforming changes.

SECTION 13. Amends Section 487.023(b), Government Code, to make conforming changes.

SECTION 14. Amends Section 487.025, Government Code, to make a conforming change.

SECTION 15. Amends Section 487.026(a), Government Code, to make conforming changes.

SECTION 16. Amends Section 487.027, Government Code, to make a conforming change.

SECTION 17. Amends Section 487.028(b), Government Code, to make conforming changes.

SECTION 18. Amends Section 487.030, Government Code, to make conforming changes.

SECTION 19. Amends Section 487.031, Government Code, to make conforming changes.

SECTION 20. Amends Section 487.032, Government Code, to make conforming changes.

SECTION 21. Reenacts Section 487.051, Government Code, as amended by Chapters 560 (S.B. 1440) and 1241 (H.B. 2542), Acts of the 80th Legislature, Regular Session, 2007, and amends it to make conforming and nonsubstantive changes.

SECTION 22. Amends Section 487.053(a), Government Code, to make conforming changes.

SECTION 23. Amends Section 487.054(a), Government Code, as follows:

(a) Requires certain agency heads or their designees, at least once each year, to meet in Austin to discuss rural issues and to provide information showing the impact each agency has on rural communities for use in developing rural policy and compiling the annual report under Section 487.051(a)(5) (relating to monitoring developments that have a substantial impact on rural Texas communities), rather than 487.051(4) (relating to recommendations made by ORCA to the legislature to address the concerns affecting rural communities). Makes a conforming change.

SECTION 24. Amends Section 487.0541(c), Government Code, to make a conforming change.

SECTION 25. Amends Section 487.056, Government Code, to make conforming changes.

SECTION 26. Amends Section 487.057, Government Code, to make conforming changes.

SECTION 27. Amends Section 487.058, Government Code, to make conforming changes.

SECTION 28. Amends Sections 487.059(c) and (e), Government Code, to make conforming changes.

SECTION 29. Amends Sections 487.060(b) and (d), Government Code, to make conforming changes.

SECTION 30. Amends Section 487.061(a), Government Code, to make a conforming change.

SECTION 31. Amends Section 487.102, Government Code, to make a conforming change.

SECTION 32. Amends Section 487.104(b), Government Code, to make a conforming change.

SECTION 33. Amends Section 487.105(b), Government Code, to make a conforming change.

SECTION 34. Amends Section 487.109(d), Government Code, to make a conforming change.

SECTION 35. Amends Sections 487.110(b), (c), (d), and (e), Government Code, to make conforming changes.

SECTION 36. Amends Section 487.111(b), Government Code, to make conforming changes.

SECTION 37. Amends Section 487.151(4), Government Code, to redefine "qualified area" to make a conforming change.

SECTION 38. Amends Section 487.152, Government Code, to make conforming changes.

SECTION 39. Amends Section 487.153, Government Code, to make conforming changes.

SECTION 40. Amends Section 487.158(b), Government Code, to make a conforming change.

SECTION 41. Amends Sections 487.160(b), (c), (d), (e), and (f), Government Code, to make conforming changes.

SECTION 42. Amends Section 487.161(a), Government Code, to make conforming changes.

SECTION 43. Amends Section 487.162, Government Code, to make a conforming change.

SECTION 44. Amends Section 487.201(1), Government Code, to redefine "medically underserved community" to make a conforming change.

SECTION 45. Amends Sections 487.202(b) and (d), Government Code, to make conforming changes.

SECTION 46. Amends Section 487.203, Government Code, to make a conforming change.

SECTION 47. Amends Section 487.204, Government Code, to make a conforming change.

SECTION 48. Amends Section 487.252(a), Government Code, to make a conforming change.

SECTION 49. Amends Section 487.253, Government Code, to make conforming changes.

SECTION 50. Amends Section 487.254(a), Government Code, to make a conforming change.

SECTION 51. Amends Sections 487.255(a) and (b), Government Code, to make conforming changes.

SECTION 52. Amends Section 487.256, Government Code, to make a conforming change.

SECTION 53. Amends Section 487.302, Government Code, as follows:

Sec. 487.302. New heading: POWERS OF DEPARTMENT. Makes a conforming change.

SECTION 54. Amends Section 487.303(a), Government Code, to make conforming changes.

SECTION 55. Amends Section 487.304, Government Code, to make conforming changes.

SECTION 56. Amends Section 487.351, Government Code, to make conforming changes.

SECTION 57. Amends Section 487.352, Government Code, to make conforming changes

SECTION 58. Amends Section 487.353(i), Government Code, to make a conforming change.

SECTION 59. Amends Section 487.354, Government Code, to make conforming changes.

SECTION 60. Amends Section 487.401(b), Government Code, to make a conforming change.

SECTION 61. Amends Section 487.452(b), Government Code, to make a conforming change.

SECTION 62. Amends Section 487.453, Government Code, to make conforming changes.

SECTION 63. Amends Section 487.501(1), Government Code, to redefine "rural community" to make a conforming change.

SECTION 64. Amends Section 487.502, Government Code, to make a conforming change.

SECTION 65. Amends Section 487.503(a), Government Code, to make a conforming change.

SECTION 66. Amends Section 487.551(2), Government Code, to redefine "medically underserved community" to make a conforming change.

SECTION 67. Amends Section 487.552, Government Code, to make conforming changes.

SECTION 68. Amends Section 487.553, Government Code to make a conforming change.

SECTION 69. Amends Section 487.554(a), Government Code, to make a conforming change.

SECTION 70. Amends Sections 487.555(b), (c), and (e), Government Code, to make conforming changes.

SECTION 71. Amends the heading to Section 487.556. Government Code, to read as follows:

Sec. 487.556. POWERS AND DUTIES OF DEPARTMENT.

SECTION 72. Amends Section 487.556(a), Government Code, to make a conforming change.

SECTION 73. Amends Sections 487.559(a) and (c), Government, to make conforming changes.

SECTION 74. Amends Section 487.560, Government Code, to make conforming changes.

SECTION 75. Amends Section 487.601(3), Government Code, to redefine "rural" to make a conforming change.

SECTION 76. Amends Section 487.602, Government Code, to make a conforming change.

SECTION 77. Amends Section 487.603, Government Code, to make conforming changes.

SECTION 78. Amends Section 487.604, Government Code, to make a conforming change.

SECTION 79. Amends Section 487.605, Government Code, to make a conforming change.

SECTION 80. Amends Section 487.606, Government Code, to make conforming changes.

SECTION 81. Amends Section 487.607, Government Code, to make conforming changes.

SECTION 82. Amends Section 487.608(b), Government Code, to make a conforming change.

SECTION 83. Amends Section 487.653, Government Code, to make a conforming change.

SECTION 84. Amends Section 487.701, Government Code, as transferred, redesignated, and amended by Chapter 542 (S.B. 1128), Acts of the 80th Legislature, Regular Session, 2007, to make conforming changes.

SECTION 85. Amends Section 487.702(c), Government Code, as transferred, redesignated, and amended by Chapter 542 (S.B. 1128), Acts of the 80th Legislature, Regular Session, 2007, to make a conforming change.

SECTION 86. Amends Section 487.703(a), Government Code, as transferred, redesignated, and amended by Chapter 542 (S.B. 1128), Acts of the 80th Legislature, Regular Session, 2007, to make a conforming change.

SECTION 87. Amends Section 487.705(c), Government Code, to make a conforming change.

SECTION 88. Amends Section 487.710, Government Code, to make conforming changes.

SECTION 89. Amends Section 487.711(a), Government Code, to make a conforming change.

SECTION 90. Amends Section 487.712, Government Code, as follows:

Sec. 487.712. New heading: REPORT TO DEPARTMENT. Makes a conforming change.

SECTION 91. Reletters Subchapter P, Chapter 487, Government Code, as added by Chapter 712 (H.B. 2235), Acts of the 80th Legislature, Regular Session, 2007, as Subchapter Q, and amends it, as follows:

Sec. 487.751. DEFINITION. Redesignates Section 487.701 as Section 487.751. Makes no changes to this section.

Sec. 487.752. GRANT PROGRAM. Redesignates Section 487.702 as Section 487.752. Makes conforming changes.

Sec. 487.753. FUNDING. Redesignates Section 487.703 as Section 487.753. Makes a conforming change.

SECTION 92. Amends Section 490A.003(a), Government Code, to make a conforming change.

SECTION 93. Amends Section 531.02172(b), Government Code, to make a conforming change.

SECTION 94. Amends Section 614.152(3), Government Code, as added by Chapter 1215 (H.B. 1915), Acts of the 80th Legislature, Regular Session, 2007, to redefine "state fire agency" to make a conforming change.

SECTION 95. Amends Section 772.011(b), Government Code, as follows:

(b) Provides that the work group is composed of the heads of TDRA, rather than ORCA; the Texas Department of Housing and Community Affairs; the Texas Water Development Board; the Texas Department of Transportation, the Texas Commission on

Environmental Quality; the Texas Workforce Commission; DSHS; the Health and Human Services Commission; the General Land Office; the Texas Education Agency; the Texas Economic Development and Tourism Office; the Office of State-Federal Relations, rather than the Texas Office of State-Federal Relations; the Texas Higher Education Coordinating Board; the attorney general's office; the secretary of state's office; the Texas Department of Public Safety; and the Railroad Commission of Texas.

SECTION 96. Amends Section 775.002(d), Government Code, to make a conforming change.

SECTION 97. Amends Section 86.011, Health and Safety Code, as follows:

Sec. 86.011. BREAST CANCER SCREENING. (a) Authorizes TDRA, rather than ORCA, to provide for breast cancer screening in counties with a population of more 50,000 or less.

(b) Makes a conforming change.

(c) Makes a conforming change.

SECTION 98. Amends Sections 775.083(a), (b), and (c), Health and Safety Code, to make conforming changes.

SECTION 99. Amends Sections 776.083(a), (b), and (c), Health and Safety Code, to make conforming changes.

SECTION 100. Amends Sections 204.104(b) and (c), Occupations Code, as follows:

(b) Requires TDRA, rather than ORCA, to establish policies for and adopt rules to administer the loan program.

(c) Makes a conforming change.

SECTION 101. Provides that a reference in another law or administrative rule to ORCA means TDRA.

SECTION 102. Effective date: September 1, 2009.