this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 9, 2009: Yeas 148, Nays 0, 1 present, not voting; passed by the Senate on May 13, 2009: Yeas 31, Nays 0.

Approved May 23, 2009.

Effective May 23, 2009.

CHAPTER 112

H.B. No. 1918

AN ACT

relating to changing the name of the Office of Rural Community Affairs to the Texas Department of Rural Affairs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 12.040(f), Agriculture Code, is amended to read as follows:

(f) The department shall consult with the Texas Department [Office] of Rural [Community] Affairs to establish parameters for certification of rural communities under this section.

SECTION 2. Section 38.060(a), Education Code, is amended to read as follows:

(a) This section applies only to a school-based health center serving an area that:

(1) is located in a county with a population not greater than 50,000; or

(2) has been designated under state or federal law as:

(A) a health professional shortage area;

(B) a medically underserved area; or

(C) a medically underserved community by the Texas Department [Office] of Rural [Community] Affairs.

SECTION 3. Sections 51.918(a) and (c), Education Code, are amended to read as follows:

(a) The Texas Higher Education Coordinating Board, the Texas Department [Office] of Rural [Community] Affairs, medical schools, nursing schools, and schools of allied health sciences shall cooperate to improve and expand programs for rural areas.

(c) The Texas Department [Office] of Rural [Community] Affairs shall develop relief service programs for rural physicians and allied health personnel to facilitate ready access to continuing medical education as well as to provide practice coverage for purposes other than continuing medical education.

SECTION 4. Section 58.007(b)(1), Education Code, is amended to read as follows:

(1) The Primary Care Residency Advisory Committee is created and shall consist of 12 members as follows:

(A) seven members shall be licensed physicians, one appointed by each of the following:

(i) the Texas Medical Association;

(ii) the Texas Osteopathic Medical Association;

(iii) the Texas Academy of Family Physicians;

(iv) the Texas Society of the American College of Osteopathic Family Physicians;

(v) the Texas Society of Internal Medicine;

(vi) the Texas Pediatric Society; and

(vii) the Texas Association of Obstetricians and Gynecologists;

(B) one member shall be appointed by the Texas Department [Office] of Rural [Community] Affairs;
(C) one member shall be appointed by the Bureau of Community Oriented Primary Care at the [Texas Department of State Health Services]; and

(D) three members shall be members of the public, one appointed by each of the following:

(i) the governor;
(ii) the lieutenant governor; and
(iii) the speaker of the house of representatives.

SECTION 5. Section 61.0899, Education Code, is amended to read as follows:

Sec. 61.0899. ASSISTANCE IN CERTAIN RURAL HEALTH CARE LOAN REIMBURSEMENT AND STIPEND PROGRAMS. The board shall, in cooperation with the Texas Department [Office] of Rural [Community] Affairs and the department’s [office’s] advisory panel established under Section 487.552, Government Code, ensure that the board seeks to obtain the maximum amount of funds from any source, including federal funds, to support programs to provide student loan reimbursement or stipends for graduates of degree programs in this state who practice or agree to practice in a medically underserved community.

SECTION 6. Section 403.1065(c), Government Code, is amended to read as follows:

(c) The available earnings of the fund may be appropriated to the Texas Department [Office] of Rural [Community] Affairs for the purposes of Subchapter H, Chapter 487.

SECTION 7. Section 405.021(e), Government Code, is amended to read as follows:

(e) The secretary of state shall compile information received from the Texas Department [Office] of Rural [Community] Affairs, the Texas Water Development Board, the Texas Transportation Commission, the Texas Department of Housing and Community Affairs, the Department of State Health Services, the Texas Commission on Environmental Quality, the Health and Human Services Commission, the Texas Cooperative Extension, councils of governments, an institution of higher education that receives funding from the state for projects that provide assistance to colonias, and any other agency considered appropriate by the secretary of state for purposes of the classification system.

SECTION 8. The heading to Chapter 487, Government Code, is amended to read as follows:

CHAPTER 487. TEXAS DEPARTMENT [OFFICE] OF RURAL [COMMUNITY] AFFAIRS

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

Sec. 487.001. DEFINITIONS. In this chapter:


SECTION 10. Section 487.002, Government Code, is amended to read as follows:

Sec. 487.002. SUNSET PROVISION. The Texas Department [Office] of Rural [Community] Affairs is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department [office] is abolished and this chapter expires September 1, 2013.

SECTION 11. Section 487.021(a), Government Code, is amended to read as follows:

(a) The board is the governing body of the department [office].

SECTION 12. Sections 487.022(b) and (c), Government Code, are amended to read as follows:

(b) A person may not be a member of the board and may not be a department [an office] employee employed in a “bona fide executive, administrative, or professional capacity,” as that phrase is used for purposes of establishing an exemption to the overtime provisions of the
federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

1. the person is an officer, employee, or paid consultant of a Texas trade association in the field of rural affairs; or
2. the person’s spouse is an officer, manager, or paid consultant of a Texas trade association in the field of rural affairs.

(c) A person may not be a member of the board or act as the general counsel to the board or the department [office] if the person is required to register as a lobbyist under Chapter 305 because of the person’s activities for compensation on behalf of a profession related to the operation of the department [office].

SECTION 13. Section 487.023(b), Government Code, is amended to read as follows:

(b) The training program must provide the person with information regarding:

1. the legislation that created the department [office];
2. the programs, functions, rules, and budget of the department [office];
3. the results of the most recent formal audit of the department [office];
4. the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and
5. any applicable ethics policies adopted by the department [office] or the Texas Ethics Commission.

SECTION 14. Section 487.025, Government Code, is amended to read as follows:

Sec. 487.025. DIVISION OF RESPONSIBILITY. The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive director and staff of the department [office].

SECTION 15. Section 487.026(a), Government Code, is amended to read as follows:

(a) The board may hire an executive director to serve as the chief executive officer of the department [office] and to perform the administrative duties of the department [office].

SECTION 16. Section 487.027, Government Code, is amended to read as follows:

Sec. 487.027. PUBLIC HEARINGS. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the department [office].

SECTION 17. Section 487.028(b), Government Code, is amended to read as follows:

(b) The policy statement must include:

1. personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the department [office] to avoid the unlawful employment practices described by Chapter 21, Labor Code; and
2. an analysis of the extent to which the composition of the department’s personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

SECTION 18. Section 487.030, Government Code, is amended to read as follows:

Sec. 487.030. COMPLAINTS. (a) The department [office] shall maintain a system to promptly and efficiently act on complaints filed with the department [office]. The department [office] shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The department [office] shall make information available describing its procedures for complaint investigation and resolution.

(c) The department [office] shall periodically notify the complaint parties of the status of the complaint until final disposition.

SECTION 19. Section 487.031, Government Code, is amended to read as follows:

Sec. 487.031. USE OF TECHNOLOGY. The board shall implement a policy requiring the department [office] to use appropriate technological solutions to improve the department's
ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

SECTION 20. Section 487.032, Government Code, is amended to read as follows:

Sec. 487.032. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION PROCEDURES. (a) The board shall develop and implement a policy to encourage the use of:

1. negotiated rulemaking procedures under Chapter 2008 for the adoption of department rules; and
2. appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the department’s jurisdiction.

(b) The department’s procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The board shall designate a trained person to:
1. coordinate the implementation of the policy adopted under Subsection (a);
2. serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and
3. collect data concerning the effectiveness of those procedures, as implemented by the department.

SECTION 21. 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, is reenacted and amended to read as follows:

Sec. 487.051. POWERS AND DUTIES. (a) The department shall:
1. assist rural communities in the key areas of economic development, community development, rural health, and rural housing;
2. serve as a clearinghouse for information and resources on all state and federal programs affecting rural communities;
3. in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group created under this chapter, identify and prioritize policy issues and concerns affecting rural communities in the state;
4. make recommendations to the legislature to address the concerns affecting rural communities identified under Subdivision (3);
5. monitor developments that have a substantial effect on rural Texas communities, especially actions of state government, and compile an annual report describing and evaluating the condition of rural communities;
6. administer the federal community development block grant nonentitlement program;
7. administer programs supporting rural health care as provided by this chapter;
8. perform research to determine the most beneficial and cost-effective ways to improve the welfare of rural communities;
9. ensure that the department qualifies as the state’s office of rural health for the purpose of receiving grants from the Office of Rural Health Policy of the United States Department of Health and Human Services under 42 U.S.C. Section 254r;
10. manage the state’s Medicare rural hospital flexibility program under 42 U.S.C. Section 1395i-4;
11. seek state and federal money available for economic development in rural areas for programs under this chapter; and
12. in conjunction with the Department of Agriculture, regularly cross-train department employees with employees of the Department of Agriculture regarding the programs administered and services provided by each agency to rural communities.
work with interested persons to assist volunteer fire departments and emergency services districts in rural areas.

(b) The department [office] may require department [office] employees who work at locations other than the central office to be based in Department of Agriculture offices.

SECTION 22. Section 487.053(a), Government Code, is amended to read as follows:

(a) The department [office] may accept gifts, grants, and donations from any organization for the purpose of funding any activity under this chapter, and the department [office] shall actively seek funding from appropriate nonprofit foundations.

SECTION 23. Section 487.054(a), Government Code, is amended to read as follows:

(a) At least once each year, the following agency heads or their designees shall 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) [487.051(4)]:

(1) the commissioner of agriculture;
(2) the executive director of the Public Utility Commission of Texas;
(3) the director of the Texas Agricultural Extension Service;
(4) the executive director of the Texas Department of Housing and Community Affairs;
(5) the commissioner of the Department of State Health Services;
(6) the executive administrator of the Texas Water Development Board;
(7) the executive director of the Parks and Wildlife Department;
(8) the commissioner of higher education;
(9) the comptroller;
(10) the executive director of the Texas Department of Transportation;
(11) the executive director of the Texas Commission on Environmental Quality;
(12) the executive director of the Texas Economic Development and Tourism Office;
(13) the commissioner of insurance;
(14) the commissioner of the Department of Aging and Disability Services;
(15) the commissioner of education;
(16) the executive commissioner of the Health and Human Services Commission;
(17) the executive director of the Texas Workforce Commission;
(18) the executive director of the Texas Historical Commission;
(19) a member of the Railroad Commission of Texas;
(20) the executive director of the State Soil and Water Conservation Board;
(21) the executive director of the department [office]; and
(22) the head of any other agency interested in rural issues.

SECTION 24. Section 487.0541(c), Government Code, is amended to read as follows:

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

SECTION 25. Section 487.056, Government Code, is amended to read as follows:

Sec. 487.056. REPORT TO LEGISLATURE. (a) Not later than January 1 of each odd-numbered year, the department [office] shall submit a biennial report to the legislature regarding the activities of the department [office], the activities of the Texas Rural Foundation, and any findings and recommendations relating to rural issues.

(b) The department [office] shall obtain information from each county about indigent health care provided in the county and information from each university, medical school, rural community, or rural health care provider that has performed a study relating to rural health care during the biennium. The department [office] shall include the information obtained under this subsection in the department's [office's] report to the legislature.
(c) The department [office] shall obtain information on the availability of housing in rural communities throughout the state for all income levels. The department [office] shall include the information, and the department's [office's] assessment of the information, in the department's [office's] report to the legislature.

SECTION 26. Section 487.057, Government Code, is amended to read as follows:
Sec. 487.057. RURAL HEALTH WORK PLAN. (a) The department [office] shall develop, implement, and update a rural health work plan.
(b) The department [office] shall submit the rural health work plan to the board for approval. The board shall approve the rural health work plan not later than August 1 of each odd-numbered year.
(c) The department [office] shall work with health care providers, rural communities, universities, and all health and human service related state agencies to develop the rural health work plan. The department [office] shall solicit public comment on the rural health work plan.
(d) The rural health work plan must identify:
(1) the mission, goals, and objectives of how the department [office] will work to assist rural communities in meeting rural health care needs;
(2) ways for the state to effectively and creatively address the unmet health care needs of rural communities;
(3) ways to coordinate the administration and delivery of rural health care service with federal, state, and local public and private programs that provide similar services; and
(4) the department's [office's] priorities to accomplish the objectives of the plan.

SECTION 27. Section 487.058, Government Code, is amended to read as follows:
Sec. 487.058. CONTRACT FOR ADMINISTRATIVE SERVICES. (a) The department [office] shall enter into an interagency contract with another state agency to provide routine administrative services for the department [office].
(b) The Legislative Budget Board and the Department of Information Resources shall:
(1) evaluate and recommend the most efficient and appropriate ways to obtain the administrative services under Subsection (a); and
(2) assist the department [office] with contracting and any other matters relating to obtaining the administrative services in the most efficient manner.

SECTION 28. Sections 487.059(c) and (e), Government Code, are amended to read as follows:
(c) If the executive director or another department [office] employee has a financial interest in an entity that applies for a monetary award, the executive director or employee:
(1) shall, as soon as possible, disclose to the board the fact of the director's or employee's financial interest;
(2) may not participate in staff evaluations regarding the monetary award; and
(3) if the executive director or employee under department [office] procedures may vote, or make a recommendation concerning a vote, on a matter that involves the monetary award:
(A) shall disclose the fact of the director's or employee's financial interest before a vote on the monetary award, which the board or committee shall enter into the minutes of the meeting at which a vote on the monetary award is taken; and
(B) may not vote on or otherwise participate in a discussion or any other activity that relates to awarding the monetary award.
(e) Subsections (f) and (g) apply only to a member of the board or a committee who is employed by:
(1) an entity that offers to enter into a contract with the department [office]; or
(2) an entity that is under common ownership or governance with or otherwise affiliated with an entity that applies for a monetary award or offers to enter into a contract with the department [office].
SECTION 29. Sections 487.060(b) and (d), Government Code, are amended to read as follows:

(b) To assist the secretary of state in preparing the report required under Section 405.021, the department [office] on a quarterly basis shall provide a report to the secretary of state detailing any projects funded by the department [office] that serve colonias by providing water or wastewater services, paved roads, or other assistance.

(d) The department [office] shall require an applicant for funds administered by the department [office] to submit to the department [office] a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the department [office] may contact the secretary of state or the secretary of state's representative to obtain a number. On request of the department [office], the secretary of state or the secretary of state's representative shall assign a classification number.

SECTION 30. Section 487.061(a), Government Code, is amended to read as follows:

(a) The department [office] shall establish a program to provide interested rural communities with:

(1) general information about emergency services districts;
(2) information and training related to the establishment of an emergency services district; and
(3) technical assistance related to the implementation of an emergency services district.

SECTION 31. Section 487.102, Government Code, is amended to read as follows:

Sec. 487.102. ADMINISTRATION. The department [office] shall administer or contract for the administration of the program.

SECTION 32. Section 487.104(b), Government Code, is amended to read as follows:

(b) The selection committee shall make selections based on criteria approved by the board and adopted as a rule of the department [office].

SECTION 33. Section 487.105(b), Government Code, is amended to read as follows:

(b) If a person is neither a high school student nor an undergraduate student, the person must be eligible for participation in the competition under rules adopted by the department [office].

SECTION 34. Section 487.109(d), Government Code, is amended to read as follows:

(d) Any amount of loan principal or interest that is not forgiven under this section shall be repaid to the department [office] with reasonable collection fees in a timely manner as provided by board rule.

SECTION 35. Sections 487.110(b), (c), (d), and (e), Government Code, are amended to read as follows:

(b) The fund consists of legislative appropriations, gifts, grants, donations, the market value of in-kind contributions, and principal and interest payments on forgivable loans deposited to the credit of the fund by the department [office].

(c) The department [office] shall administer the fund.

(d) The department [office] shall allocate the fund, as available, for forgivable loans under this subchapter.

(e) The department [office] shall deposit any principal and interest payments on forgivable loans to the credit of the fund.

SECTION 36. Section 487.111(b), Government Code, is amended to read as follows:

(b) The department [office] shall require reports from students and postsecondary educational institutions as needed to monitor the program. After receiving any necessary releases as a condition of providing assistance, the department [office] shall distribute reports relating to the progress of an outstanding rural scholar to the community sponsoring the scholar.

SECTION 37. Section 487.151(4), Government Code, is amended to read as follows:
(4) "Qualified area" means an area qualifying under the National Health Services Corps Community Scholarship Program or an area with similar characteristics as identified by the department.

SECTION 38. Section 487.152, Government Code, is amended to read as follows:
Sec. 487.152. ADMINISTRATION. (a) The department shall administer or contract for the administration of the program.
(b) The department may solicit and accept gifts, grants, donations, and contributions to support the program.

SECTION 39. Section 487.153, Government Code, is amended to read as follows:
Sec. 487.153. HEALTH CAREERS PROMOTION. The department may establish a program to work with students, communities, and community-based organizations to encourage high school students to pursue health care professional careers. The department shall give priority to working with communities and students in qualified areas.

SECTION 40. Section 487.158(b), Government Code, is amended to read as follows:
(b) The contract must provide that if the student does not provide the required services to the community or provides those services for less than the required time, the student is personally liable to the state for:
(1) the total amount of assistance the student receives from the department and the sponsoring community;
(2) interest on the total amount at a rate set by the board; and
(3) the state's reasonable expenses incurred in obtaining payment, including reasonable attorney's fees.

SECTION 41. Sections 487.160(b), (c), (d), (e), and (f), Government Code, are amended to read as follows:
(b) The department shall administer the fund.
(c) The fund consists of gifts, grants, donations, the market value of in-kind contributions, and principal and interest payments on forgivable loans deposited to the credit of the fund by the department.
(d) The department shall deposit any principal and interest payments on forgivable loans to the credit of the fund.
(e) The department shall allocate the fund, as available, for forgivable loans and community repayment under this subchapter.
(f) Unless otherwise provided by the General Appropriations Act, the department may use money appropriated to the department to support the fund.

SECTION 42. Section 487.161(a), Government Code, is amended to read as follows:
(a) The department shall require reports from students, communities, and postsecondary educational institutions as needed to monitor the program. After receiving any necessary releases as a condition of providing assistance, the department shall distribute reports relating to the progress of a student to the community sponsoring the student.

SECTION 43. Section 487.162, Government Code, is amended to read as follows:
Sec. 487.162. PROGRAM PROMOTION. The department shall provide postsecondary educational institutions and communities in qualified areas with information about health care careers and loan opportunities, including information on eligibility and availability of funds under this subchapter.

SECTION 44. Section 487.201(1), Government Code, is amended to read as follows:
(1) "Medically underserved community" means:
(A) a community located in an area in this state with a medically underserved population;
(B) a community located in an area in this state designated by the United States secretary of health and human services as an area with a shortage of personal health services;
(C) a population group designated by the United States secretary of health and human services as having a shortage of personal health services;

(D) a community designated under state or federal law as a medically underserved community; or

(E) a community that the department [office] considers to be medically underserved based on relevant demographic, geographic, and environmental factors.

SECTION 45. Sections 487.202(b) and (d), Government Code, are amended to read as follows:

(b) A medically underserved community may sponsor a physician who has completed a primary care residency program and has agreed to provide primary care in the community by contributing start-up money for the physician and having that contribution matched wholly or partly by state money appropriated to the department [office] for that purpose.

(d) The department [office] may not pay more than $25,000 to a community in a fiscal year unless the board makes a specific finding of need by the community.

SECTION 46. Section 487.203, Government Code, is amended to read as follows:

Sec. 487.203. ELIGIBILITY. To be eligible to receive money from the department [office], a medically underserved community must:

1. apply for the money; and
2. provide evidence satisfactory to the board that it has entered into an agreement with a physician for the physician to provide primary care in the community for at least two years.

SECTION 47. Section 487.204, Government Code, is amended to read as follows:

Sec. 487.204. RULES. The board shall adopt rules necessary for the administration of this subchapter, including rules addressing:

1. eligibility criteria for a medically underserved community;
2. eligibility criteria for a physician;
3. minimum and maximum community contributions to the start-up money for a physician to be matched with state money;
4. conditions under which state money must be repaid by a community or physician;
5. procedures for disbursement of money by the department [office];
6. the form and manner in which a community must make its contribution to the start-up money; and
7. the contents of an agreement to be entered into by the parties, which must include at least:
   A. a credit check for an eligible physician; and
   B. community retention of interest in any property, equipment, or durable goods for seven years.

SECTION 48. Section 487.252(a), Government Code, is amended to read as follows:

(a) The board shall establish a program in the department [office] to assist communities in recruiting and retaining physicians to practice in medically underserved areas.

SECTION 49. Section 487.253, Government Code, is amended to read as follows:

Sec. 487.253. ADMINISTRATION. (a) The board shall adopt rules necessary to administer this subchapter, and the department [office] shall administer the program in accordance with those rules.

(b) The department [office] may not spend for the department's [office's] administrative costs in administering the program more than 10 percent of the amount appropriated to implement this subchapter.

SECTION 50. Section 487.254(a), Government Code, is amended to read as follows:

(a) The department [office] may award a stipend to a physician under this subchapter if the physician enters into a written contract to provide services in a medically underserved area for at least one year for each year that the physician receives the stipend.

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SECTION 51. Sections 487.255(a) and (b), Government Code, are amended to read as follows:

(a) The department [office] shall award stipends to physicians for one-year periods. A stipend awarded under this subchapter may not exceed $15,000 each year.

(b) The department [office] may renew a stipend used to assist a particular physician.

SECTION 52. Section 487.256, Government Code, is amended to read as follows:

Sec. 487.256. FUNDING. The department [office] may seek, receive, and spend money received through an appropriation, grant, donation, or reimbursement from any public or private source to implement this subchapter.

SECTION 53. Section 487.302, Government Code, is amended to read as follows:

Sec. 487.302. POWERS OF DEPARTMENT [OFFICE]. In administering this subchapter, the department [office] may:

(1) enter into and enforce contracts and execute and deliver conveyances and other instruments necessary to make and administer grants, loans, and loan guarantees under this subchapter;

(2) employ personnel and counsel necessary to implement this subchapter and pay them from money appropriated for that purpose;

(3) impose and collect reasonable fees and charges in connection with grants, loans, and loan guarantees made under this subchapter and provide reasonable penalties for delinquent payment of fees, charges, or loan repayments;

(4) take and enforce a mortgage or appropriate security interest in real or personal property that a loan recipient acquires with the proceeds of a loan made under this subchapter; and

(5) adopt rules necessary to implement the grant, loan, and loan guarantee program.

SECTION 54. Section 487.303(a), Government Code, is amended to read as follows:

(a) The department [office] may use money appropriated to the department [office] under Section 403.1065 to make a grant or low-interest loan to, or guarantee a loan for, a public or nonprofit hospital located in a rural county.

SECTION 55. Section 487.304, Government Code, is amended to read as follows:

Sec. 487.304. ELIGIBILITY FOR GRANT, LOAN, OR LOAN GUARANTEE; INTEREST RATE. (a) The department [office] shall adopt rules that establish eligibility criteria for receiving a grant, loan, or loan guarantee under this subchapter.

(b) The rules must state generally the factors the department [office] will consider in determining whether an applicant should receive a grant, loan, or loan guarantee. The rules must consider at least the financial need of the applicant, the health care needs of the rural area served by the applicant, and the probability that the applicant will effectively and efficiently use the money obtained through the grant, loan, or loan guarantee to meet the health care needs of the rural area served by the applicant.

(c) The rules must state generally the factors the department [office] will consider in determining the extent to which the interest rate on a loan should be below market rates.

SECTION 56. Section 487.351, Government Code, is amended to read as follows:

Sec. 487.351. ADMINISTRATION OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; ALLOCATION OF FUNDS. (a) The department [office] shall, under the Omnibus Budget Reconciliation Act of 1981 (Pub.L. No. 97-35) and 24 CFR, Part 570, Subpart I, administer the state's allocation of federal funds provided under the community development block grant nonentitlement program authorized by Title I of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.).

(b) Community development block grant program funds shall be allocated to eligible counties and municipalities under department [office] rules.

(c) The department [office] shall give priority to eligible activities in the areas of economic development, community development, rural health, and rural housing to support workforce development in awarding funding for community development block grant programs.
SECTION 57. Section 487.352, Government Code, is amended to read as follows:

Sec. 487.352. TRANSFER OF FEDERAL FUNDS. (a) The department [office] may enter into an interagency agreement with the Department of Agriculture to reimburse the Department of Agriculture for providing on behalf of the department [office] marketing, underwriting, and any other services on the portion of the federal community development block grant funds allocated by the department [office] for economic development activities.

(b) The department [office] shall allocate not more than 20 percent of the federal funds received by the department [office] to the Department of Agriculture to be used for economic development activities.

(c) The department [office] shall allocate not more than five percent of the funds allocated to the Department of Agriculture under Subsection (b) to be used for county economic and management development.

(d) The department [office] shall monitor the activities undertaken by the Department of Agriculture under this section.

SECTION 58. Section 487.353(i), Government Code, is amended to read as follows:

(i) The committee shall:

(1) consult with and advise the executive director on the administration and enforcement of the community development block grant program; and

(2) in consultation with the executive director and department [office] staff, review and approve grant and loan applications and associated funding awards of eligible counties and municipalities and advise and assist the executive director regarding the allocation of program funds to those applicants.

SECTION 59. Section 487.354, Government Code, is amended to read as follows:

Sec. 487.354. FINANCIAL ASSISTANCE FOR INSTALLATION OF STREET LIGHTS IN COLONIAS. (a) In this section, "colonia" means an identifiable unincorporated community, or an identifiable community annexed by a municipality and eligible for assistance as described by Section 43.907(b), Local Government Code, that:

(1) is located within 150 miles of the international border of this state in a county that is eligible to receive financial assistance from the community development block grant colonia fund under this subchapter, as identified by department [office] rule;

(2) is determined by the department [office] to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(3) was in existence and generally recognized as a colonia before November 28, 1990.

(b) The department [office] shall adopt a rule requiring a political subdivision that receives community development block grant program money targeted toward street improvement projects to allocate not less than five percent but not more than 15 percent of the total amount of targeted money to providing financial assistance to colonias within the political subdivision to enable the installation of adequate street lighting in those colonias if street lighting is absent or needed.

SECTION 60. Section 487.401(b), Government Code, is amended to read as follows:

(b) At the hospital's request, the department [office] shall designate the hospital as a rural hospital if the hospital meets the requirements for a rural hospital under the board's rules.

SECTION 61. Section 487.452(b), Government Code, is amended to read as follows:

(b) In connection with the program, the department [office] shall establish and maintain an updated medical resource library that contains information relating to medical careers. The department [office] shall make the library available to school counselors, students, and parents of students.

SECTION 62. Section 487.453, Government Code, is amended to read as follows:

Sec. 487.453. ADMINISTRATION. (a) The department [office] shall administer or contract for the administration of the program.

(b) The department [office] may solicit and accept gifts, grants, donations, and contributions to support the program.
(c) The department [office] may administer the program in cooperation with other public and private entities.

(d) The department [office], in consultation with Area Health Education Center Programs, shall coordinate the program with similar programs, including programs relating to workforce development, scholarships for education, and employment of students, that are administered by other agencies, such as the Texas Workforce Commission and local workforce development boards.

SECTION 63. Section 487.501(1), Government Code, is amended to read as follows:

(1) “Rural community” means a rural area as defined by the department [office].

SECTION 64. Section 487.502, Government Code, is amended to read as follows:

Sec. 487.502. GIFTS AND GRANTS. The department [office] may accept gifts, grants, and donations to support the rural physician recruitment program.

SECTION 65. Section 487.508(a), Government Code, is amended to read as follows:

(a) The department [office] shall establish a process in consultation with the Texas Higher Education Coordinating Board for selecting Texas medical schools to recruit students from rural communities and encourage them to return to rural communities to practice medicine.

SECTION 66. Section 487.551(2), Government Code, is amended to read as follows:

(2) “Medically underserved community” means a community that:

(A) is located in a county with a population of 50,000 or less;

(B) has been designated under state or federal law as:

(i) a health professional shortage area; or

(ii) a medically underserved area; or

(C) has been designated as a medically underserved community by the department [office].

SECTION 67. Section 487.552, Government Code, is amended to read as follows:

Sec. 487.552. ADVISORY PANEL. The department [office] shall appoint an advisory panel to assist in the department's [office's] duties under this subchapter. The advisory panel must consist of at least:

(1) one representative from the Texas Higher Education Coordinating Board;

(2) one representative from the institutions of higher education having degree programs for the health professions participating in the programs under this subchapter;

(3) one representative from a hospital in a medically underserved community;

(4) one physician practicing in a medically underserved community;

(5) one health professional, other than a physician, practicing in a medically underserved community; and

(6) one public representative who resides in a medically underserved community.

SECTION 68. Section 487.553, Government Code, is amended to read as follows:

Sec. 487.553. LOAN REIMBURSEMENT PROGRAM. The board shall establish a program in the department [office] to assist communities in recruiting health professionals to practice in medically underserved communities by providing loan reimbursement for health professionals who serve in those communities.

SECTION 69. Section 487.554(a), Government Code, is amended to read as follows:

(a) The board shall establish a program in the department [office] to assist communities in recruiting health professionals to practice in medically underserved communities by providing a stipend to health professionals who agree to serve in those communities.

SECTION 70. Sections 487.555(b), (c), and (e), Government Code, are amended to read as follows:

(b) A student in a degree program preparing to become a health professional may contract with the department [office] for the loan reimbursement program under Section 487.553 before obtaining the license required to become a health professional.
(c) The department [office] may contract with a health professional for part-time services under the stipend program established under Section 487.554.

(e) A contract under this section must provide that a health professional who does not provide the required services to the community or provides those services for less than the required time is personally liable to the state for:

1. the total amount of assistance the health professional received from the department [office] and the medically underserved community;
2. interest on the amount under Subdivision (1) at a rate set by the board;
3. the state's reasonable expenses incurred in obtaining payment, including reasonable attorney's fees; and
4. a penalty as established by the board by rule to help ensure compliance with the contract.

SECTION 71. The heading to Section 487.556, Government Code, is amended to read as follows:

Sec. 487.556. POWERS AND DUTIES OF DEPARTMENT [OFFICE].

SECTION 72. Section 487.556(a), Government Code, is amended to read as follows:

(a) The board shall adopt rules necessary for the administration of this subchapter, including guidelines for:

1. developing contracts under which loan reimbursement or stipend recipients provide services to qualifying communities;
2. identifying the duties of the state, state agency, loan reimbursement or stipend recipient, and medically underserved community under the loan reimbursement or stipend contract;
3. determining a rate of interest to be charged under Section 487.555(e)(2);
4. ensuring that a loan reimbursement or stipend recipient provides access to health services to participants in government-funded health benefits programs in qualifying communities;
5. encouraging the use of telecommunications or telemedicine, as appropriate;
6. prioritizing the provision of loan reimbursements and stipends to health professionals who are not eligible for any other state loan forgiveness, loan repayment, or stipend program;
7. prioritizing the provision of loan reimbursements and stipends to health professionals who are graduates of health professional degree programs in this state;
8. encouraging a medically underserved community served by a loan reimbursement or stipend recipient to contribute to the cost of the loan reimbursement or stipend when making a contribution is feasible; and
9. requiring a medically underserved community served by a loan reimbursement or stipend recipient to assist the department [office] in contracting with the loan reimbursement or stipend recipient who will serve that community.

SECTION 73. Sections 487.559(a) and (c), Government Code, are amended to read as follows:

(a) The department [office] may administer the permanent endowment fund for the rural communities health care investment program. If the department [office] elects not to administer the fund, the comptroller shall administer the fund.

(c) The comptroller or the department [office] may solicit and accept gifts and grants to the fund.

SECTION 74. Section 487.560, Government Code, is amended to read as follows:

Sec. 487.560. REPORTING REQUIREMENT. The department [office] shall provide a report on the permanent endowment fund for the rural communities health care investment program to the Legislative Budget Board not later than November 1 of each year. The report must include the total amount of money the department [office] received from the
fund, the purpose for which the money was used, and any additional information that may be requested by the Legislative Budget Board.

SECTION 75. Section 487.601(3), Government Code, is amended to read as follows:

(3) “Rural” means:
   (A) a community located in a county with a population not greater than 50,000;
   (B) an area designated under state or federal law as:
       (i) a health professional shortage area; or
       (ii) a medically underserved area; or
   (C) a medically underserved community designated by the department.

SECTION 76. Section 487.602, Government Code, is amended to read as follows:

Sec. 487.602. RURAL PHYSICIAN RELIEF PROGRAM. The department shall create a program to provide affordable relief services to rural physicians practicing in the fields of general family medicine, general internal medicine, and general pediatrics to facilitate the ability of those physicians to take time away from their practice.

SECTION 77. Section 487.603, Government Code, is amended to read as follows:

Sec. 487.603. FEES. (a) The department shall charge a fee for rural physicians to participate in the program.

(b) The fees collected under this section shall be deposited in a special account in the general revenue fund that may be appropriated only to the department for administration of this chapter.

SECTION 78. Section 487.604, Government Code, is amended to read as follows:

Sec. 487.604. FUNDING. The department may solicit and accept gifts, grants, donations, and contributions to support the program.

SECTION 79. Section 487.605, Government Code, is amended to read as follows:

Sec. 487.605. RELIEF PHYSICIAN’S EXPENSES. The department shall pay a physician providing relief under the program using fees collected by the center.

SECTION 80. Section 487.606, Government Code, is amended to read as follows:

Sec. 487.606. PRIORITY ASSIGNMENT OF RELIEF PHYSICIANS. (a) The department shall assign physicians to provide relief to a rural area in accordance with the following priorities:

   (1) solo practitioners;
   (2) counties that have fewer than seven residents per square mile;
   (3) counties that have been designated under federal law as a health professional shortage area;
   (4) counties that do not have a hospital; and
   (5) counties that have a hospital but do not have a continuously staffed hospital emergency room.

(b) In determining where to assign relief physicians, the department shall consider the number of physicians in the area available to provide relief services and the distance in that area to the nearest physician who practices in the same specialty.

(c) At the request of the department, residency program directors may assist the department in coordinating the assignment of relief physicians.

SECTION 81. Section 487.607, Government Code, is amended to read as follows:

Sec. 487.607. RELIEF PHYSICIAN RECRUITMENT. The department shall actively recruit physicians to participate in the program as relief physicians. The department shall concentrate on recruiting physicians involved in an accredited residency program in general pediatrics, general internal medicine, and general family medicine, physicians registered on the department’s locum tenens registry, physicians employed at a medical school, and physicians working for private locum tenens groups.

SECTION 82. Section 487.608(b), Government Code, is amended to read as follows:
(b) The advisory committee shall assist the department [office] in administering the program.

SECTION 83. Section 487.653, Government Code, is amended to read as follows:

Sec. 487.653. REPORT TO LEGISLATURE. Not later than January 1 of each odd-numbered year, the department [office] shall submit to the legislature a report detailing the grant activities of the program and grant recipients. The report must include:

(1) the criteria used to quantify the effect grant funds had in advancing telecommunications connectivity and technology;

(2) data and performance measures used to quantify the achievement of program objectives; and

(3) a description of and results from a grant monitoring risk assessment and on-site review process.

SECTION 84. Section 487.701, Government Code, as transferred, redesignated, and amended by Chapter 542 (S.B. 1128), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:

Sec. 487.701. CREATION OF FOUNDATION. (a) The department [Office of Rural Community Affairs] shall establish the Texas Rural Foundation as a nonprofit corporation that complies with the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), except as otherwise provided by this chapter, and qualifies as an organization exempt from federal income tax under Section 501(c)(3), Internal Revenue Code of 1986, as amended.

(b) The department [Office of Rural Community Affairs] shall ensure that the Texas Rural Foundation operates independently of any state agency or political subdivision of the state.

SECTION 85. 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, is amended to read as follows:

(c) The Texas Rural Foundation shall develop and implement policies and procedures that clearly separate the responsibilities and activities of the foundation from the department [Office of Rural Community Affairs].

SECTION 86. 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, is amended to read as follows:

(a) The Texas Rural Foundation is governed by a board of an odd number of at least nine and not more than 15 directors appointed by the board of the department [Office of Rural Community Affairs].

SECTION 87. Section 487.705(c), Government Code, is amended to read as follows:

(c) If the executive director of the department [Office of Rural Community Affairs] has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of directors of the Texas Rural Foundation of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board of directors, who shall then notify the governor and the attorney general that a potential ground for removal exists.

SECTION 88. Section 487.710, Government Code, is amended to read as follows:

Sec. 487.710. MEMORANDUM OF UNDERSTANDING. The Texas Rural Foundation and the department [Office of Rural Community Affairs] shall enter into a memorandum of understanding that:

(1) requires the board of directors and staff of the foundation to report to the executive director and board of the department [Office of Rural Community Affairs];

(2) allows the department [Office of Rural Community Affairs] to provide staff functions to the foundation;
(3) allows the department [Office of Rural Community Affairs] to expend funds on the foundation; and
(4) outlines the financial contributions to be made to the foundation from funds obtained from grants and other sources.

SECTION 89. Section 487.711(a), Government Code, is amended to read as follows:
(a) The Texas Rural Foundation shall maintain financial records and reports independently from those of the department [Office of Rural Community Affairs].

SECTION 90. Section 487.712, Government Code, is amended to read as follows:
Sec. 487.712. REPORT TO DEPARTMENT [OFFICE OF RURAL COMMUNITY AFFAIRS]. Not later than the 60th day after the last day of the fiscal year, the Texas Rural Foundation shall submit to the department [Office of Rural Community Affairs] a report itemizing all income and expenditures and describing all activities of the foundation during the preceding fiscal year.

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

SUBCHAPTER Q [Q]. RURAL TECHNOLOGY CENTER GRANT PROGRAM
Sec. 487.751 [487.701]. DEFINITION. In this subchapter, "rural county" means a county that has a population of not more than 125,000.
Sec. 487.752 [487.702]. GRANT PROGRAM. (a) Subject to available funds, the department [office] shall establish a grant program under which the department [office] awards grants to public institutions of higher education, public high schools, and governmental entities located in a rural county for the development and operation of multi-institutional technology centers that provide:
(1) community access to technology;
(2) computer literacy programs;
(3) educational programs designed to provide concurrent enrollment credit for high school students taking postsecondary courses in information and emerging technologies;
(4) training for careers in technology-related fields and other highly skilled industries; and
(5) technology-related continuing and adult education programs.
(b) The executive committee by rule shall establish:
(1) eligibility criteria for grant applicants;
(2) grant application procedures;
(3) guidelines relating to grant amounts;
(4) procedures for evaluating grant applications; and
(5) procedures for monitoring the use of grants awarded under the program and for ensuring compliance with the conditions of a grant.
Sec. 487.753 [487.703]. FUNDING. The department [office] may seek, receive, and spend money received through an appropriation, grant, donation, or reimbursement from any public or private source to implement this subchapter.

SECTION 92. Section 490A.003(a), Government Code, is amended to read as follows:
(a) The founding members of the network are:
(1) the Texas Cooperative Extension of The Texas A&M University System;
(2) the IC2 Institute at The University of Texas at Austin;
(3) the College of Agricultural Sciences and Natural Resources at Texas Tech University;
(4) the Department of Agriculture;
(5) the Texas Workforce Commission;
the Texas Department [Office] of Rural [Community] Affairs;
(7) the Texas Center for Rural Entrepreneurship;
(8) the Texas Economic Development Council;
(9) CoSERVE at The University of Texas—Pan American;
(10) the office of external affairs at Texas Southern University; and
(11) the John F. Baugh Center for Entrepreneurship at Baylor University.

SECTION 93. Section 531.02172(b), Government Code, is amended to read as follows:
(b) The advisory committee must include:
(1) representatives of health and human services agencies and other state agencies concerned with the use of telemedical consultations in the Medicaid program and the state child health plan program, including representatives of:
(A) the commission;
(B) the Department of State Health Services;
(C) the Texas Department [Office] of Rural [Community] Affairs;
(D) the Texas Department of Insurance;
(E) the Texas Medical Board;
(F) the Texas Board of Nursing; and
(G) the Texas State Board of Pharmacy;
(2) representatives of health science centers in this state;
(3) experts on telemedicine, telemedical consultation, and telemedicine medical services or telehealth services; and
(4) representatives of consumers of health services provided through telemedical consultations and telemedicine medical services or telehealth services.

SECTION 94. Section 614.152(3), Government Code, as added by Chapter 1215 (H.B. 1915), Acts of the 80th Legislature, Regular Session, 2007, is amended to read as follows:
(3) “State fire agency” means the:
(A) firefighters' pension commissioner;
(B) Texas Department [Office] of Rural [Community] Affairs;
(C) service;
(D) Texas Commission on Fire Protection;
(E) Texas Engineering Extension Service of The Texas A&M University System; and
(F) Texas State Fire Marshal's Office of the Texas Department of Insurance.

SECTION 95. Section 772.011(b), Government Code, is amended to read as follows:
(b) The work group is composed of the heads of the following agencies or their designees:
(1) the Texas Department [Office] of Rural [Community] Affairs;
(2) the Texas Department of Housing and Community Affairs;
(3) the Texas Water Development Board;
(4) the Texas Department of Transportation;
(5) the Texas Commission on Environmental Quality;
(6) the Texas Workforce Commission;
(7) the Department of State Health Services;
(8) the Health and Human Services Commission;
(9) the General Land Office;
(10) the Texas Education Agency;
(11) the Texas Economic Development and Tourism Office;
(12) the [Texas] Office of State–Federal Relations;
(13) the Texas Higher Education Coordinating Board;
(14) the attorney general's office;
(15) the secretary of state's office;
(16) the Department of Public Safety; and
(17) the Railroad Commission of Texas.

SECTION 96. Section 775.002(d), Government Code, is amended to read as follows:
(d) The following agencies shall designate an officer or employee of the agency to serve as the agency's liaison for colonia initiatives:
(1) the office of the attorney general;
(2) the Department of State Health Services;
(3) the Department of Housing and Community Affairs;
(4) the Texas Commission on Environmental Quality;
(5) the Texas Water Development Board;
(6) the Texas Department of Rural Affairs;
(7) the Office of State–Federal Relations;
(8) the Texas Department of Insurance; and
(9) the Texas Department of Transportation.

SECTION 97. Section 86.011, Health and Safety Code, is amended to read as follows:
Sec. 86.011. BREAST CANCER SCREENING. (a) The Texas Department of Rural Affairs may provide for breast cancer screening in counties with a population of 50,000 or less.
(b) The Texas Department of Rural Affairs may provide the breast cancer screening through contracts with public or private entities to provide mobile units and on-site screening services.
(c) The Texas Department of Rural Affairs shall coordinate the breast cancer screening with programs administered by the Texas Cancer Council.

SECTION 98. Sections 775.083(a), (b), and (c), Health and Safety Code, are amended to read as follows:
(a) On or before January 1 of each year, a district shall file with the Texas Department of Rural Affairs an annual report that includes the following:
(1) the district's name;
(2) the name of each county in which the district is located;
(3) the district's business address;
(4) the name, mailing address, and term of office of each commissioner;
(5) the name, mailing address, and term of office of the district's general manager, executive director, and fire chief;
(6) the name of each legal counsel or other consultant for the district; and
(7) the district's annual budget and tax rate for the preceding fiscal year.
(b) The Texas Department of Rural Affairs may not charge a fee for filing the report.
(c) The Texas Department of Rural Affairs shall develop and maintain an Internet-based system that enables:
(1) a district to securely file the report and update the district's information; and
(2) the public to view, in a searchable format, the reports filed by districts under this section.

SECTION 99. Sections 776.083(a), (b), and (c), Health and Safety Code, are amended to read as follows:
(a) On or before January 1 of each year, a district shall file with the Texas Department of Rural Affairs an annual report that includes the following:
(1) the district's name;
(2) the name of each county in which the district is located;
(3) the district’s business address;
(4) the name, mailing address, and term of office of each commissioner;
(5) the name, mailing address, and term of office of the district’s general manager, executive director, and fire chief;
(6) the name of each legal counsel or other consultant for the district; and
(7) the district’s annual budget and tax rate for the preceding fiscal year.

(b) The Texas Department of Rural Affairs may not charge a fee for filing the report.

(c) The Texas Department of Rural Affairs shall develop and maintain an Internet-based system that enables:
(1) a district to securely file the report and update the district’s information; and
(2) the public to view, in a searchable format, the reports filed by districts under this section.

SECTION 100. Sections 204.104(b) and (c), Occupations Code, are amended to read as follows:

(b) The Texas Department of Rural Affairs shall establish policies for and adopt rules to administer the loan program.

(c) The physician assistant board shall authorize and the medical board shall transfer annually the funds designated under Subsection (a) to the Texas Department of Rural Affairs to administer the loan program.

SECTION 101. A reference in another law or administrative rule to the Office of Rural Affairs means the Texas Department of Rural Affairs.

SECTION 102. This Act takes effect September 1, 2009.

Passed by the House on April 7, 2009: Yeas 147, Nays 0, 1 present, not voting; passed by the Senate on May 14, 2009: Yeas 31, Nays 0.

Approved May 23, 2009.

Effective September 1, 2009.

CHAPTER 113

H.B. No. 1923

AN ACT
relating to the Irion County Water Conservation District.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 4, Chapter 65, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 4. BOUNDARIES. The district is composed of all the territory located within Irion County and any territory added through annexation or consolidation.

SECTION 2. Section 8, Chapter 65, Acts of the 69th Legislature, Regular Session, 1985, is amended by adding Subsection (c) to read as follows:

(c) If the district annexes territory or consolidates with another district, the composition of the board shall be determined in a manner that is:

(1) equitable for the residents of the district as provided by Chapter 36, Water Code; and

(2) otherwise in compliance with Subchapter K, Chapter 36, Water Code.

SECTION 3. Section 9(b), Chapter 65, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows: