

1-1 By: Blake, et al. (Senate Sponsor - Staples) H.B. No. 1982  
1-2 (In the Senate - Received from the House April 21, 2005;  
1-3 April 22, 2005, read first time and referred to Committee on  
1-4 Business and Commerce; May 5, 2005, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation and operation of a Texas Certified  
1-9 Retirement Community Program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 12, Agriculture Code, is amended by  
1-12 adding Section 12.039 to read as follows:

1-13 Sec. 12.039. TEXAS CERTIFIED RETIREMENT COMMUNITY PROGRAM.

1-14 (a) In this section, "program" means the Texas Certified  
1-15 Retirement Community Program.

1-16 (b) The department shall establish and maintain a Texas  
1-17 Certified Retirement Community Program in which retirees and  
1-18 potential retirees are encouraged to make their homes in Texas  
1-19 communities that have met the criteria for certification by the  
1-20 department as a Texas certified retirement community.

1-21 (c) The mission of the program is to:

1-22 (1) promote Texas as a retirement destination to  
1-23 retirees and potential retirees both in and outside Texas;

1-24 (2) assist Texas communities in their efforts to  
1-25 market themselves as desirable retirement locations and to develop  
1-26 communities that retirees would find attractive for a retirement  
1-27 lifestyle;

1-28 (3) assist in the development of retirement  
1-29 communities and life-care communities for economic development  
1-30 purposes and as a means of providing a potential workforce and  
1-31 enriching Texas communities; and

1-32 (4) encourage tourism to Texas in reference to an  
1-33 evaluation of this state as a desirable retirement location and for  
1-34 the visitation of those who have chosen to retire in this state.

1-35 (d) To be eligible to be a Texas certified retirement  
1-36 community, a community shall:

1-37 (1) through a board or panel that serves as the  
1-38 community's official program sponsor:

1-39 (A) complete a retiree desirability assessment,  
1-40 as developed by the department, to include facts regarding crime  
1-41 statistics, tax information, recreational opportunities, housing  
1-42 availability, and other appropriate factors, including criteria  
1-43 listed in Subsection (e); and

1-44 (B) work to gain the support of churches, clubs,  
1-45 businesses, media, and other entities, as necessary for the success  
1-46 of the program in the community;

1-47 (2) identify emergency medical services and a hospital  
1-48 within a 75-mile radius of the community; and

1-49 (3) submit to the department:

1-50 (A) an application fee in an amount equal to the  
1-51 greater of:

1-52 (i) \$5,000; or

1-53 (ii) \$0.25 multiplied by the population of  
1-54 the community, as determined by the most recent census;

1-55 (B) a marketing plan detailing the mission as  
1-56 applied to the community, the target market, the competition, an  
1-57 analysis of the community's strengths, weaknesses, opportunities  
1-58 and dangers, and the strategies the community will employ to attain  
1-59 the goals of the program; and

1-60 (C) a long-term plan outlining the steps the  
1-61 community will undertake to maintain its desirability as a  
1-62 destination for retirees, including an outline of plans to correct  
1-63 any facility and service deficiencies identified in the retiree  
1-64 desirability assessment required by Subdivision (1)(A).

2-1           (e) The department shall develop and use a scoring system to  
 2-2 determine whether an applicant will qualify as a Texas certified  
 2-3 retirement community. In addition to the requirements of  
 2-4 Subsection (d), the department shall consider as part of the  
 2-5 scoring system the applicant community in relation to the following  
 2-6 criteria:

- 2-7                   (1) Texas' state and local tax structure;
- 2-8                   (2) housing opportunities and cost;
- 2-9                   (3) climate;
- 2-10                  (4) personal safety;
- 2-11                  (5) working opportunities;
- 2-12                  (6) health care services and other services along the  
 2-13 continuum of care, including home-based and community-based  
 2-14 services, housing for the elderly, assisted living, personal care,  
 2-15 and nursing care facilities;
- 2-16                  (7) transportation;
- 2-17                  (8) continuing education;
- 2-18                  (9) leisure living;
- 2-19                  (10) recreation;
- 2-20                  (11) the performing arts;
- 2-21                  (12) festivals and events;
- 2-22                  (13) sports at all levels; and
- 2-23                  (14) other services and facilities that are necessary  
 2-24 to enable persons to age in the community and in the least  
 2-25 restrictive environment, as may be identified by the Department of  
 2-26 Aging and Disability Services.

2-27           (f) The department shall consult with the Office of Rural  
 2-28 Community Affairs to establish parameters for certification of  
 2-29 rural communities under this section.

2-30           (g) If the department finds that a community successfully  
 2-31 meets the requirements of a Texas certified retirement community,  
 2-32 not later than the 90th day after the application is submitted, the  
 2-33 department shall provide the following assistance to the community:

- 2-34                   (1) assistance in the training of local staff and  
 2-35 volunteers;
- 2-36                   (2) ongoing oversight and guidance in marketing, plus  
 2-37 updates on retirement trends;
- 2-38                   (3) inclusion in the state's national advertising and  
 2-39 public relations campaigns and travel show promotions, including a  
 2-40 prominent feature on the department's Internet website, to be  
 2-41 coordinated with the Internet websites of other agencies, as  
 2-42 appropriate;
- 2-43                   (4) eligibility for state financial assistance for  
 2-44 brochures, support material, and advertising; and
- 2-45                   (5) an evaluation and progress assessment on  
 2-46 maintaining and improving the community's desirability as a home  
 2-47 for retirees.

2-48           (h) A community's certification under this section expires  
 2-49 on the fifth anniversary of the date the initial certification is  
 2-50 issued. To be considered for recertification by the department, an  
 2-51 applicant community must:

- 2-52                   (1) complete and submit a new application in  
 2-53 accordance with the requirements of Subsection (d); and
- 2-54                   (2) submit data demonstrating the success or failure  
 2-55 of the community's efforts to market and promote itself as a  
 2-56 desirable location for retirees and potential retirees.

2-57           (i) The Texas certified retirement community program  
 2-58 account is an account in the general revenue fund. The account is  
 2-59 composed of fees collected under Subsection (d). Money in the  
 2-60 account may be appropriated to the department only for the purposes  
 2-61 of this section, including the payment of administrative and  
 2-62 personnel costs of the department associated with administering the  
 2-63 program.

2-64           (j) The department may contract with a local or regional  
 2-65 nonprofit organization to provide a service described by Subsection  
 2-66 (g) to a community in this state.

2-67           (k) The department shall adopt rules to implement this  
 2-68 section.

2-69           SECTION 2. The Department of Agriculture shall implement

3-1 the program created by Section 12.039, Agriculture Code, as added  
3-2 by this Act, not later than September 1, 2006.

3-3 SECTION 3. This Act takes effect September 1, 2005.

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