

1-1 By: Staples S.B. No. 1321
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read
1-3 first time and referred to Subcommittee on Emerging Technologies
1-4 and Economic Development; April 11, 2005, reported adversely, with
1-5 favorable Committee Substitute to Committee on Business and
1-6 Commerce; April 18, 2005, reported adversely, with favorable
1-7 Committee Substitute from Committee on Business and Commerce by the
1-8 following vote: Yeas 8, Nays 0; April 18, 2005, sent to printer.)

1-9 COMMITTEE SUBSTITUTE FOR S.B. No. 1321 By: Lucio

1-10 A BILL TO BE ENTITLED
1-11 AN ACT

1-12 relating to the creation and operation of a Texas Certified
1-13 Retirement Community Program.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Chapter 12, Agriculture Code, is amended by
1-16 adding Section 12.039 to read as follows:

1-17 Sec. 12.039. TEXAS CERTIFIED RETIREMENT COMMUNITY PROGRAM.

1-18 (a) In this section, "program" means the Texas Certified
1-19 Retirement Community Program.

1-20 (b) The department shall establish and maintain a Texas
1-21 Certified Retirement Community Program in which retirees and
1-22 potential retirees are encouraged to make their homes in Texas
1-23 communities that have met the criteria for certification by the
1-24 department as a Texas certified retirement community.

1-25 (c) The mission of the program is to:

1-26 (1) promote Texas as a retirement destination to
1-27 retirees and potential retirees both in and outside Texas;

1-28 (2) assist Texas communities in their efforts to
1-29 market themselves as desirable retirement locations and to develop
1-30 communities that retirees would find attractive for a retirement
1-31 lifestyle;

1-32 (3) assist in the development of retirement
1-33 communities and life-care communities for economic development
1-34 purposes and as a means of providing a potential workforce and
1-35 enriching Texas communities; and

1-36 (4) encourage tourism to Texas in reference to an
1-37 evaluation of this state as a desirable retirement location and for
1-38 the visitation of those who have chosen to retire in this state.

1-39 (d) To be eligible to be a Texas certified retirement
1-40 community, a community shall:

1-41 (1) through a board or panel that serves as the
1-42 community's official program sponsor:

1-43 (A) complete a retiree desirability assessment,
1-44 as developed by the department, to include facts regarding crime
1-45 statistics, tax information, recreational opportunities, housing
1-46 availability, and other appropriate factors, including criteria
1-47 listed in Subsection (e); and

1-48 (B) work to gain the support of churches, clubs,
1-49 businesses, media, and other entities, as necessary for the success
1-50 of the program in the community;

1-51 (2) identify emergency medical services and a hospital
1-52 within a 75-mile radius of the community; and

1-53 (3) submit to the department:
1-54 (A) an application fee in an amount equal to the
1-55 greater of:

1-56 (i) \$5,000; or
1-57 (ii) \$0.25 multiplied by the population of
1-58 the community, as determined by the most recent census;

1-59 (B) a marketing plan detailing the mission as
1-60 applied to the community, the target market, the competition, an
1-61 analysis of the community's strengths, weaknesses, opportunities,
1-62 and dangers, and the strategies the community will employ to attain
1-63 the goals of the program; and

2-1 (C) a long-term plan outlining the steps the
 2-2 community will undertake to maintain its desirability as a
 2-3 destination for retirees, including an outline of plans to correct
 2-4 any facility and service deficiencies identified in the retiree
 2-5 desirability assessment required by Subdivision (1)(A).

2-6 (e) The department shall develop and use a scoring system to
 2-7 determine whether an applicant will qualify as a Texas certified
 2-8 retirement community. In addition to the requirements of
 2-9 Subsection (d), the department shall consider as part of the
 2-10 scoring system the applicant community in relation to the following
 2-11 criteria:

- 2-12 (1) Texas' state and local tax structure;
- 2-13 (2) housing opportunities and cost;
- 2-14 (3) climate;
- 2-15 (4) personal safety;
- 2-16 (5) working opportunities;
- 2-17 (6) health care services and other services along the
 2-18 continuum of care, including home-based and community-based
 2-19 services, housing for the elderly, assisted living, personal care,
 2-20 and nursing care facilities;
- 2-21 (7) transportation;
- 2-22 (8) continuing education;
- 2-23 (9) leisure living;
- 2-24 (10) recreation;
- 2-25 (11) the performing arts;
- 2-26 (12) festivals and events;
- 2-27 (13) sports at all levels; and
- 2-28 (14) other services and facilities that are necessary
 2-29 to enable persons to age in the community and in the least
 2-30 restrictive environment, as may be identified by the Department of
 2-31 Aging and Disability Services.

2-32 (f) The department shall consult with the Office of Rural
 2-33 Community Affairs to establish parameters for certification of
 2-34 rural communities under this section.

2-35 (g) If the department finds that a community successfully
 2-36 meets the requirements of a Texas certified retirement community,
 2-37 not later than the 90th day after the application is submitted, the
 2-38 department shall provide the following assistance to the community:

- 2-39 (1) assistance in the training of local staff and
 2-40 volunteers;
- 2-41 (2) ongoing oversight and guidance in marketing, plus
 2-42 updates on retirement trends;
- 2-43 (3) inclusion in the state's national advertising and
 2-44 public relations campaigns and travel show promotions, including a
 2-45 prominent feature on the department's Internet website, to be
 2-46 coordinated with the Internet websites of other agencies, as
 2-47 appropriate;
- 2-48 (4) eligibility for state financial assistance for
 2-49 brochures, support material, and advertising; and
- 2-50 (5) an evaluation and progress assessment on
 2-51 maintaining and improving the community's desirability as a home
 2-52 for retirees.

2-53 (h) A community's certification under this section expires
 2-54 on the fifth anniversary of the date the initial certification is
 2-55 issued. To be considered for recertification by the department, an
 2-56 applicant community must:

- 2-57 (1) complete and submit a new application in
 2-58 accordance with the requirements of Subsection (d); and
- 2-59 (2) submit data demonstrating the success or failure
 2-60 of the community's efforts to market and promote itself as a
 2-61 desirable location for retirees and potential retirees.

2-62 (i) The Texas certified retirement community program
 2-63 account is an account in the general revenue fund. The account is
 2-64 composed of fees collected under Subsection (d). Money in the
 2-65 account may be appropriated to the department only for the purposes
 2-66 of this section, including the payment of administrative and
 2-67 personnel costs of the department associated with administering the
 2-68 program.

2-69 (j) The department may contract with a local or regional

3-1 nonprofit organization to provide a service described by Subsection
3-2 (g) to a community in this state.

3-3 (k) The department shall adopt rules to implement this
3-4 section.

3-5 SECTION 2. The Department of Agriculture shall implement
3-6 the program created by Section 12.039, Agriculture Code, as added
3-7 by this Act, not later than September 1, 2006.

3-8 SECTION 3. This Act takes effect September 1, 2005.

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