

BILL ANALYSIS

C.S.H.B. 1273
By: Kacal
Economic & Small Business Development
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are several communities that currently participate in the Texas certified retirement community program, which is administered by the Department of Agriculture (TDA). Interested parties describe this program as a promotional program that seeks to identify ideal retirement communities and to attract retirees to Texas for the purpose of economic development. C.S.H.B. 1273 seeks to grant the TDA more flexibility in administering the Texas certified retirement community program to make the program more successful.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTIONS 1 and 3 of this bill.

ANALYSIS

C.S.H.B. 1273 amends the Agriculture Code to remove the specification that the fee a community is required to submit to the Department of Agriculture (TDA) to be eligible to be a Texas certified retirement community under the Texas Certified Retirement Community Program is an application fee. The bill specifies that the assistance to a certified community the TDA is required to provide is assistance to help attract retirees and tourists and improve the community's desirability as a home for retirees and is assistance in the manner provided by rule, rather than assistance as specified in statute. The bill changes the deadline by which assistance must be provided from not later than the 90th day after the application is submitted to not later than the 90th day after an application is approved.

C.S.H.B. 1273 exempts the Texas certified retirement community program account from the application of Government Code provisions governing the use of dedicated revenue. The bill requires the TDA to adopt rules for the administration of the program as amended by the bill.

C.S.H.B. 1273 repeals Section 12.040(f), Agriculture Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1273 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Sections 12.040(d), (g), and (i), Agriculture Code, are amended to read as follows:

(d) To be eligible to be a Texas certified retirement community, a community shall:

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

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

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

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

(3) submit to the department:

(A) ~~a membership~~ ~~[an application]~~ fee in an amount equal to the greater of:

(i) \$5,000; or

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

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

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

(g) If the department finds that a community successfully meets the requirements of a Texas certified retirement community, not later than the 90th day after the application is approved ~~[submitted]~~, the department shall provide ~~[the following]~~ assistance in the manner provided by rule to the community to help attract retirees and tourists and improve the community's desirability as a home for retirees[:

~~[(1) assistance in the training of local staff~~

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 12.040(d), (g), and (i), Agriculture Code, are amended to read as follows:

(d) To be eligible to be a Texas certified retirement community, a community shall:

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

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

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

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

(3) submit to the department:

(A) a ~~[an application]~~ fee in an amount equal to the greater of:

(i) \$5,000; or

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

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

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

(g) If the department finds that a community successfully meets the requirements of a Texas certified retirement community, not later than the 90th day after the application is approved ~~[submitted]~~, the department shall provide ~~[the following]~~ assistance in the manner provided by rule to the community to help attract retirees and tourists and improve the community's desirability as a home for retirees[:

~~[(1) assistance in the training of local staff~~

~~and volunteers;~~
~~[(2) ongoing oversight and guidance in marketing, plus updates on retirement trends;~~
~~[(3) inclusion in the state's national advertising and public relations campaigns and travel show promotions, including a prominent feature on the department's Internet website, to be coordinated with the Internet websites of other agencies, as appropriate;~~
~~[(4) eligibility for state financial assistance for brochures, support material, and advertising; and~~
~~[(5) an evaluation and progress assessment on maintaining and improving the community's desirability as a home for retirees].~~

(i) The Texas certified retirement community program account is an account in the general revenue fund. The account is composed of fees collected under Subsection (d). Money in the account may be appropriated to the department only for the purposes of this section, including the payment of administrative and personnel costs of the department associated with administering the program. The account is exempt from the application of Section 403.095, Government Code.

SECTION 2. Section 12.040(f), Agriculture Code, is repealed.

SECTION 3. As soon as practicable, the Department of Agriculture shall adopt rules for the administration of Section 12.040, Agriculture Code, as amended by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

~~and volunteers;~~
~~[(2) ongoing oversight and guidance in marketing, plus updates on retirement trends;~~
~~[(3) inclusion in the state's national advertising and public relations campaigns and travel show promotions, including a prominent feature on the department's Internet website, to be coordinated with the Internet websites of other agencies, as appropriate;~~
~~[(4) eligibility for state financial assistance for brochures, support material, and advertising; and~~
~~[(5) an evaluation and progress assessment on maintaining and improving the community's desirability as a home for retirees].~~

(i) The Texas certified retirement community program account is an account in the general revenue fund. The account is composed of fees collected under Subsection (d). Money in the account may be appropriated to the department only for the purposes of this section, including the payment of administrative and personnel costs of the department associated with administering the program. The account is exempt from the application of Section 403.095, Government Code.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.