

1 AN ACT

2 relating to the creation and operation of a Texas Certified
3 Retirement Community Program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

7 Sec. 12.039. TEXAS CERTIFIED RETIREMENT COMMUNITY PROGRAM.

8 (a) In this section, "program" means the Texas Certified
9 Retirement Community Program.

10 (b) The department shall establish and maintain a Texas
11 Certified Retirement Community Program in which retirees and
12 potential retirees are encouraged to make their homes in Texas
13 communities that have met the criteria for certification by the
14 department as a Texas certified retirement community.

15 (c) The mission of the program is to:

16 (1) promote Texas as a retirement destination to
17 retirees and potential retirees both in and outside Texas;

18 (2) assist Texas communities in their efforts to
19 market themselves as desirable retirement locations and to develop
20 communities that retirees would find attractive for a retirement
21 lifestyle;

22 (3) assist in the development of retirement
23 communities and life-care communities for economic development
24 purposes and as a means of providing a potential workforce and

1 enriching Texas communities; and

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

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

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

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

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

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

19 (3) submit to the department:

20 (A) an application fee in an amount equal to the
21 greater of:

22 (i) \$5,000; or

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

25 (B) a marketing plan detailing the mission as
26 applied to the community, the target market, the competition, an
27 analysis of the community's strengths, weaknesses, opportunities

1 and dangers, and the strategies the community will employ to attain
2 the goals of the program; and

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

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

14 (1) Texas' state and local tax structure;

15 (2) housing opportunities and cost;

16 (3) climate;

17 (4) personal safety;

18 (5) working opportunities;

19 (6) health care services and other services along the
20 continuum of care, including home-based and community-based
21 services, housing for the elderly, assisted living, personal care,
22 and nursing care facilities;

23 (7) transportation;

24 (8) continuing education;

25 (9) leisure living;

26 (10) recreation;

27 (11) the performing arts;

1 (12) festivals and events;

2 (13) sports at all levels; and

3 (14) other services and facilities that are necessary
4 to enable persons to age in the community and in the least
5 restrictive environment, as may be identified by the Department of
6 Aging and Disability Services.

7 (f) The department shall consult with the Office of Rural
8 Community Affairs to establish parameters for certification of
9 rural communities under this section.

10 (g) If the department finds that a community successfully
11 meets the requirements of a Texas certified retirement community,
12 not later than the 90th day after the application is submitted, the
13 department shall provide the following assistance to the community:

14 (1) assistance in the training of local staff and
15 volunteers;

16 (2) ongoing oversight and guidance in marketing, plus
17 updates on retirement trends;

18 (3) inclusion in the state's national advertising and
19 public relations campaigns and travel show promotions, including a
20 prominent feature on the department's Internet website, to be
21 coordinated with the Internet websites of other agencies, as
22 appropriate;

23 (4) eligibility for state financial assistance for
24 brochures, support material, and advertising; and

25 (5) an evaluation and progress assessment on
26 maintaining and improving the community's desirability as a home
27 for retirees.

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

5 (1) complete and submit a new application in
6 accordance with the requirements of Subsection (d); and

7 (2) submit data demonstrating the success or failure
8 of the community's efforts to market and promote itself as a
9 desirable location for retirees and potential retirees.

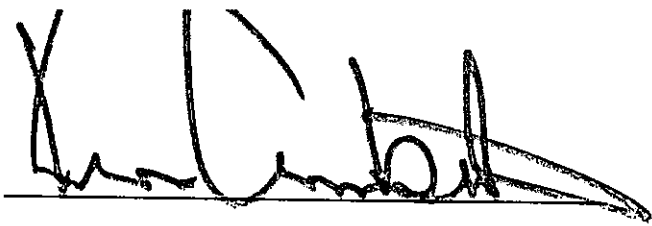
10 (i) The Texas certified retirement community program
11 account is an account in the general revenue fund. The account is
12 composed of fees collected under Subsection (d). Money in the
13 account may be appropriated to the department only for the purposes
14 of this section, including the payment of administrative and
15 personnel costs of the department associated with administering the
16 program.

17 (j) The department may contract with a local or regional
18 nonprofit organization to provide a service described by Subsection
19 (g) to a community in this state.

20 (k) The department shall adopt rules to implement this
21 section.

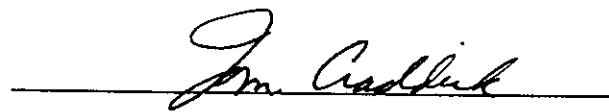
22 SECTION 2. The Department of Agriculture shall implement
23 the program created by Section 12.039, Agriculture Code, as added
24 by this Act, not later than September 1, 2006.

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



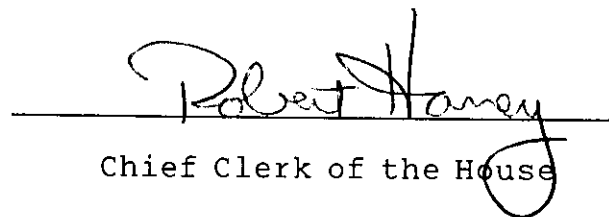
President of the Senate

H.B. No. 1982



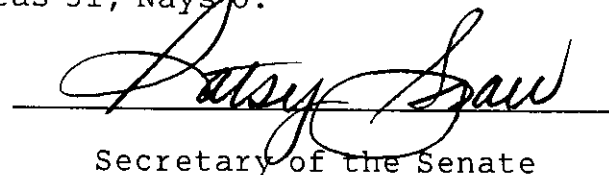
Speaker of the House

I certify that H.B. No. 1982 was passed by the House on April 20, 2005, by a non-record vote.



Chief Clerk of the House

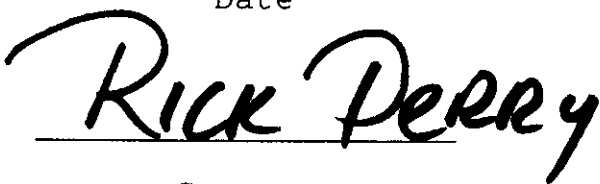
I certify that H.B. No. 1982 was passed by the Senate on May 12, 2005, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

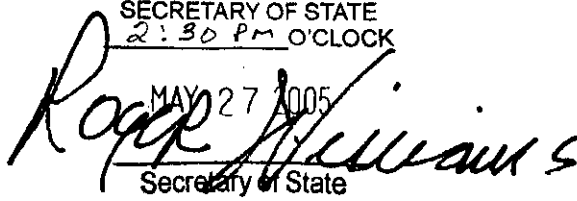
APPROVED: 27 MAY 05

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:30 PM O'CLOCK



MAY 27 2005

Secretary of State