CHAPTER 999

H.B. No. 2356

AN ACT
relating to the designation of a portion of Recreational Road 255 in Jasper County as Sam Rayburn Parkway.

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

SECTION 1. Subchapter B, Chapter 225, Transportation Code, is amended by adding Section 225.092 to read as follows:

Sec. 225.092. SAM RAYBURN PARKWAY. (a) The portion of Recreational Road 255 between State Highway 63 and U.S. Highway 96 in Jasper County is designated as Sam Rayburn Parkway.

(b) Subject to Section 225.021(c), the department shall:

(1) design and construct markers indicating the designation as Sam Rayburn Parkway and any other appropriate information; and

(2) erect a marker at each end of the road and at appropriate intermediate sites along the road.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 20, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1000

H.B. No. 2373

AN ACT
relating to the use of an electronic device to capture a voter's signature for the signature roster.

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

SECTION 1. Section 63.002, Election Code, is amended by adding Subsection (d) to read as follows:

(d) The signature roster may be in the form of an electronic device approved by the secretary of state that is capable of capturing a voter's signature next to the voter's name on the device. The secretary of state shall adopt rules governing the processing of electronic signatures captured under this subsection.

SECTION 2. This Act takes effect September 1, 2013.

Passed by the House on May 10, 2013: Yeas 143, Nays 0, 2 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1001

H.B. No. 2383

AN ACT
relating to life settlement contracts for the payment of long-term care services and support and the consideration of a life insurance policy in determining eligibility for medical assistance.
Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02613 to read as follows:

Sec. 32.02613. LIFE INSURANCE ASSETS; LIFE INSURANCE POLICY CONVERSION. (a) For purposes of this section, "long-term care services and support" includes home health care, assisted living, and nursing home services.

(b) The owner of a life insurance policy with a face amount of more than $10,000 may enter into a life settlement contract under Chapter 1111A, Insurance Code, for the benefit of a recipient of long-term care services and support in exchange for direct payments to:

1. a health care provider for the provision of those services to that recipient; or
2. the state to offset the costs of providing those services to that recipient under the medical assistance program.

(c) The proceeds of a life settlement contract entered into under this section must be used for the payment of long-term care services and support, except for the amount specified in Subsection (d)(1). To the extent feasible and allowed under federal law, the medical assistance program may act only as the secondary payor for long-term care services and support provided to a person who is eligible for medical assistance and for whose benefit an owner of a life insurance policy has entered into a life settlement contract under this section.

(d) In addition to the requirements under Chapter 1111A, Insurance Code, a life settlement contract entered into under this section must:

1. provide that the lesser of five percent of the face amount of the life insurance policy or $5,000 is reserved and is payable to the owner's estate or a named beneficiary for funeral expenses;
2. provide that the balance of proceeds under the life settlement contract that are unpaid on the death of the owner must be paid to the owner's estate or a named beneficiary;
3. specify the total amount payable for the benefit of the recipient of long-term care services and support under the life settlement contract.

(e) All proceeds of a life settlement contract entered into under this section must be held in an irrevocable state or federally insured account for the benefit of the recipient of long-term care services and support under the life settlement contract.

(f) Only a recipient of long-term care services and support for whose benefit an owner enters into a life settlement contract under this section may choose the provider and type of services provided to the recipient and paid for out of an account described by Subsection (e). Any attempt by a person to require the recipient to choose a specific provider is strictly prohibited and constitutes an unfair method of competition or an unfair or deceptive act or practice under the Insurance Code.

(g) A person who enters into a life settlement contract with an owner of a life insurance policy under this section must maintain:

1. a surety bond executed and issued by an insurer authorized to issue surety bonds in this state;
2. a policy of errors and omissions insurance; or
3. a deposit in the amount of $500,000 in any combination of cash, certificates of deposit, or securities.

(h) In accordance with the requirements of Chapter 1111A, Insurance Code, a life settlement contract provider who enters into life settlement contracts with owners of life insurance policies under this section must file with the Texas Department of Insurance:

1. all life settlement contract forms used by the provider, and
2. all advertising and marketing materials used by the provider.

(i) Section 1111A.022(a)(3)(A), Insurance Code, does not apply to a life insurance policy that is the subject of a life settlement contract entered into under this section if the contract has been in force at least five years.
(j) A claim against a life settlement contract provider with whom an owner of a life insurance policy enters into a life settlement contract under this section by the owner, the owner's estate, a named beneficiary, or any other person with respect to the contract may not exceed the face amount of the policy, less the proceeds paid under the contract, plus the total amount of premiums paid by the owner since entering into the contract. A life settlement contract provider must pay a claim under this subsection from the funds in an account described by Subsection (e).

(k) In accordance with Chapter 11114, Insurance Code, the Texas Department of Insurance may conduct periodic market examinations of each life settlement contract provider who enters into a life settlement contract with an owner of a life insurance policy under this section.

(l) The department shall educate applicants for long-term care services and support under the medical assistance program about options for life insurance policies, including options that do not allow a life insurance policy to be considered as an asset or resource in determining eligibility for medical assistance.

(m) The executive commissioner of the Health and Human Services Commission, in consultation with the commissioner of insurance, shall adopt rules necessary to implement this section. The rules must ensure that:

1. Proceeds from a life settlement contract are used to reimburse a provider of long-term care services and support or the state to offset the cost of medical assistance long-term care services and support;
2. Eligibility and need for medical assistance are determined without considering the balance of proceeds from a life settlement contract as provided in this section; and
3. Payments to a provider of long-term care services and support and applied income payments are made in accordance with this chapter.

(n) The entry into a life settlement contract by an owner of a life insurance policy under this section is not the only method by which the owner may avoid having the policy considered as an asset or resource in determining the eligibility of the owner for medical assistance.

(o) Notwithstanding the provisions of this section, the department may not implement a provision of this section if the commission determines that implementation of the provision is not cost-effective or feasible.

SECTION 2. Subject to Section 32.02613(o), Human Resources Code, as added by this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 32.02613, Human Resources Code, as added by this Act, not later than January 1, 2014.

SECTION 3. The change in law made by this Act applies only to a determination of eligibility of a person for medical assistance benefits made on or after January 1, 2014, subject to Section 32.02613(o), Human Resources Code, as added by this Act. A determination of eligibility made before January 1, 2014, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 5. 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.

Passed by the House on May 4, 2013: Yeas 114, Nays 17, 4 present, not voting; the House concurred in Senate amendments to H.B. No. 2383 on May 23, 2013: Yeas 134, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 25, Nays 6.
CHAPTER 1002
H.B. No. 2422

AN ACT
relating to consideration of advanced Internet-based computing service options in state purchasing and to the use of advanced Internet-based computing services by state agencies.

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

SECTION 1. Subchapter A, Chapter 2157, Government Code, is amended by adding Section 2157.007 to read as follows:

Sec. 2157.007. CONSIDERATION OF ADVANCED INTERNET-BASED COMPUTING SERVICE PURCHASE. (a) "Advanced Internet-based computing service" means a service that provides network access to a shared pool of configurable computing resources on demand, including networks, servers, storage, applications, or related technology services, that may be rapidly provisioned and released by the service provider with minimal effort and interaction. The term does not include telecommunications service or the act of hosting computing resources dedicated to a single purchaser.

(b) A state agency may consider advanced Internet-based computing service options, including any cost associated with purchasing those service options, when making purchases for a major information resources project under Section 2054.118.

(c) A state agency shall ensure that information resources projects that use advanced Internet-based computing service options meet or exceed required state standards for cybersecurity.

(d) Using existing resources, the department may review the process for the coordinated development, hosting, and management of computer software for state agencies that use advanced Internet-based computing services.

SECTION 2. 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.

Passed by the House on April 18, 2013: Yeas 143, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2422 on May 24, 2013: Yeas 146, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 1003
H.B. No. 2446

AN ACT
relating to the definitions of advanced clean energy projects and clean energy projects and to franchise tax credits for certain of those projects.

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

SECTION 1. Subchapter H, Chapter 490, Government Code, is transferred to Chapter 171, Tax Code, redesignated as Subchapter L, Chapter 171, Tax Code, and amended to read as follows:

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