the law enforcement agency may have the firearm sold by a person who is a licensed firearms dealer under 18 U.S.C. Section 923. The proceeds from the sale of a firearm under this subsection shall be given to the owner of the seized firearm, less the cost of administering this subsection. An unclaimed firearm that was seized from a person taken into custody under Section 573.001, Health and Safety Code, may not be destroyed or forfeited to the state.

SECTION 3. The change in law made by this Act applies only to the disposition of a firearm that is seized by a law enforcement agency on or after the effective date of this Act. The disposition of a firearm that was seized by a law enforcement agency before the effective date of this Act is covered by the law in effect when the firearm was seized, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2013.

Passed the Senate on April 25, 2013: Yeas 28, Nays 0; passed the House on May 21, 2013: Yeas 145, Nays 1, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 777

S.B. No. 1200

AN ACT

relating to the Texas Military Preparedness Commission and strategic planning regarding military bases and defense installations.

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

SECTION 1. Section 436.001, Government Code, is amended to read as follows:

Sec. 436.001. DEFINITIONS. In this chapter:

(1) “Commission” means the Texas Military Preparedness Commission.

(2) “Defense community” has the meaning assigned by Section 397.001, Local Government Code.

(3) “Defense worker” means:

(A) an employee of the United States Department of Defense, including a member of the armed forces and a government civilian worker;

(B) an employee of a government agency or private business, or entity providing a department of defense related function, who is employed at a defense facility;

(C) an employee of a business that directly provides services or products to the department of defense and whose job is directly dependent on defense expenditures; or

(D) an employee or private contractor employed by the United States Department of Energy working on a defense or department of energy facility in support of a department of defense related project.

(4) “Defense worker job” means a department of defense authorized permanent position or a position held or occupied by one or more defense workers for more than 12 months.


(6) “Panel” means the commission’s defense economic adjustment assistance panel.

(7) “Texas Commanders Council” means the consortium of commanding officers of the military installations in this state.

SECTION 2. Subsection (a), Section 436.051, Government Code, is amended to read as follows:

(a) The commission is composed of:

(1) 13 public members, appointed by the governor; and
(2) the following ex officio members:
   (A) the chair of the committee of the Texas House of Representatives that has primary
       jurisdiction of matters concerning defense affairs and military affairs [state-federal
       relations]; and
   (B) the chair of the committee [one member] of the Texas Senate that has primary
       jurisdiction of matters concerning defense affairs and military affairs [appointed by the
       lieutenant governor].

SECTION 3. Section 436.101, Government Code, is amended to read as follows:
Sec. 436.101. GENERAL POWERS AND DUTIES [OF COMMISSION]. (a) The com-
mission shall:
(44) advise the governor and the legislature on defense and military issues.
(b) The commission shall meet not less than once each year with the Texas Commanders
Council to:
(1) discuss the goals and challenges facing military installations and develop recom-
mendations for improvements;
(2) discuss ways the state can enhance and complement the mission of the military
installations in this state; and
(3) discuss services available to assist transitioning military service members and their
families.
(c) The commission shall act as the liaison to improve coordination among the Texas
Commanders Council and relevant state agencies, including:
(1) the Texas Veterans Commission;
(2) the Veterans’ Land Board;
(3) the Public Utility Commission of Texas;
(4) the Office of Public Utility Counsel; and
(5) the Texas Commission on Environmental Quality.
(d) The commission shall:
(1) administer and monitor the implementation of this chapter;
(2) establish criteria and procedures and award grants equitably based on evaluations,
giving preference to defense communities that may be adversely affected over positively
affected defense communities;
(3) [and economic and industrial development related to military issues;]
(4)[make recommendations regarding:
   (A) the development of policies and plans to support the long-term viability and
       prosperity of the military, active and civilian, in this state, including promoting strategic
       regional alliances that may extend over state lines; and
   (B) the development of methods to assist defense-dependent communities in the design
       and execution of programs that enhance a community’s relationship with military
       installations and defense-related businesses;
(4) [and provide information to communities, the legislature, the state’s congressional
delegation, and state agencies regarding federal actions affecting military installations and
missions;
(5) [serve as a clearinghouse for:
   (A) defense economic adjustment and transition information and activities along with
       the Texas Business and Community Economic Development Clearinghouse; and
   (B) information about:
       (i) issues related to the operating costs, missions, and strategic value of federal
           military installations located in the state;
       (ii) employment issues for communities that depend on defense bases and in
           defense-related businesses; and

1982
(iii) defense strategies and incentive programs that other states are using to maintain, expand, and attract new defense contractors;

(6) [56] provide assistance to communities that have experienced a defense-related closure or realignment;

(7) [46] assist communities in the design and execution of programs that enhance a community’s relationship with military installations and defense-related businesses, including regional alliances that may extend over state lines;

(8) [74] assist communities in the retention and recruiting of defense-related businesses, including fostering strategic regional alliances that may extend over state lines;

(9) [84] encourage economic development in this state by fostering the development of industries related to defense affairs; and

(10) [49] advocate for the preservation and expansion of missions of reservists at military installations in the state.

(e) The commission may use an amount equal to not more than two percent of the total amount of grants authorized during each biennium to administer this chapter and other law relating to readjustment of defense communities.

(f) The commission shall adopt rules necessary to implement this chapter.

SECTION 4. The heading to Section 436.103, Government Code, is amended to read as follows:

Sec. 436.103. BIENNIAL [ANNUAL] REPORT; ANNUAL MEETING.

SECTION 5. Subsection (b), Section 436.103, Government Code, is amended to read as follows:

(b) Not later than July 1 of each even-numbered year, the commission shall prepare and submit a report to the governor and the legislature about the active military installations, communities that depend on military installations, and defense-related businesses in this state. The commission may update the report in an odd-numbered year. The report must include:

(1) an economic impact statement describing in detail the effect of the military on the economy of this state;

(2) a statewide assessment of active military installations and current missions;

(3) a statewide strategy to attract new military missions and defense-related business and include specific actions that add military value to existing military installations;

(4) a list of state and federal activities that have significant impact on active military installations and current missions;

(5) a statement identifying:

(A) the state and federal programs and services that assist communities impacted by military base closures or realignments and the efforts to coordinate those programs; and

(B) the efforts to coordinate state agency programs and services that assist communities in retaining active military installations and current missions;

(6) an evaluation of initiatives to retain existing defense-related businesses; [and]

(7) a list of agencies with regulations, policies, programs, or services that impact the operating costs or strategic value of federal military installations and activities in the state; and

(8) a summary of the commission’s meetings with the Texas Commanders Council under Section 436.101(b), including recommendations, goals, and challenges based on those meetings.

SECTION 6. Subchapter C, Chapter 436, Government Code, is amended by adding Section 436.105 to read as follows:

Sec. 436.105. MILITARY BASE REALIGNMENT AND CLOSURE TASK FORCE. (a) The commission shall establish a task force to seek advice to prepare for possible action by the United States Department of Defense related to the realignment or closure of military installations in this state.
(b) The task force established under this section must consist of not more than seven members who have demonstrated experience or expertise in the United States Department of Defense's base realignment and closure process.

(c) The task force established under this section shall:

1. confer with defense communities and military installations located in this state to identify strategies, policies, plans, projects, and other ways to improve base realignment scores; and

2. advise and make recommendations to the commission and legislature on any strategy, policy, plan, project, or action the task force believes will strengthen the defense communities and military installations in the state and prevent the closure or a significant reduction of the operations of the military installations.

SECTION 7. Section 436.152, Government Code, is amended to read as follows:

Sec. 436.152. ANALYSIS OF PROJECTS THAT ADD MILITARY OR DEFENSE VALUE; FINANCING. (a) A defense community may submit the community's military base or defense facility value enhancement statement prepared under Chapter 397, Local Government Code, to the commission.

(b) On receiving a defense community's military base or defense facility value enhancement statement, the commission shall analyze the projects included in the statement using the criteria it has developed. The commission shall develop project analysis criteria based on the criteria the United States Department of Defense uses for evaluating military bases or defense facilities in the department's realignment and closure process.

(c) The commission shall determine whether each project identified in the defense community's military base or defense facility value enhancement statement will enhance the military or defense value of the military base or defense facility. The commission shall assist the community in prioritizing the projects that enhance the military or defense value of a military base or defense facility, giving the highest priority to projects that add the most value under the commission's project analysis criteria.

(d) The commission shall refer the defense community to the appropriate state agency that has an existing program to provide financing for each project identified in the community's military base or defense facility value enhancement statement that adds military or defense value to a military base or defense facility. If there is no existing program to finance a project, the office may provide a loan of financial assistance to the defense community for the project.

SECTION 8. Subsections (a), (b), (c), and (d), Section 436.153, Government Code, are amended to read as follows:

(a) The office may provide a loan of financial assistance to a defense community for a project that will enhance the military or defense value of a military base or defense facility located in, near, or adjacent to the defense community. The loan shall be made from the Texas military value revolving loan account established under Section 436.156.

(b) On receiving an application for a loan under this section, the office shall confirm with the commission that the project adds military or defense value to the military base or defense facility. If there is no existing program to finance a project, the office shall, in accordance with the criteria adopted by the office under Section 436.154(a):

1. analyze the creditworthiness of the defense community to determine the defense community's ability to repay the loan; and

2. evaluate the feasibility of the project to be financed to ensure that the defense community has pledged a source of revenue or taxes sufficient to repay the loan for the project.

(d) If the commission confirms that the funds will be used to enhance the military or defense value of the military base or defense facility based on the base realignment and closure criteria, to overcome an action of the United States Department of Defense that will negatively impact the military base or defense facility, or for the recruitment or retention of
a defense facility and the office determines that the project is financially feasible, the executive director of the office may award a loan to the defense community for the project. The office shall enter into a written agreement with a defense community that is awarded a loan. The agreement must contain the terms and conditions of the loan, including the loan repayment requirements.

SECTION 9. Subsection (a), Section 436.1532, Government Code, is amended to read as follows:

(a) The office may provide a loan of financial assistance to a defense community for an infrastructure project to accommodate new or expanded military missions assigned to a military base or defense facility located in, near, or adjacent to the defense community as a result of a United States Department of Defense base realignment process that occurs during 2005 or later. The loan shall be made from the Texas military value revolving loan account established under Section 436.156.

SECTION 10. Subsection (a), Section 436.155, Government Code, is amended to read as follows:

(a) A defense community in this state may borrow money from the state, including by direct loan, based on the credit of the defense community to finance a project included in the community’s military base or defense facility value enhancement statement.

SECTION 11. Chapter 436, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. GRANTS

Sec. 436.201. ELIGIBILITY FOR GRANT. (a) The following local governmental entities are eligible for a grant under this subchapter:

(1) a municipality or county that is a defense community;
(2) a regional planning commission that has a defense community within its boundaries;
(3) a public junior college district that is wholly or partly located in a defense community;
(4) a campus or education extension center of the Texas State Technical College System that is located in a defense community;
(5) a defense base development authority created under Chapter 379B, Local Government Code; and
(6) a political subdivision that has the power of a defense base development authority created under Chapter 379B, Local Government Code.

(b) An eligible local governmental entity may be awarded a grant if the commission determines that the entity may be adversely or positively affected by an anticipated, planned, announced, or implemented action of the United States Department of Defense to close, reduce, increase, or otherwise realign defense worker jobs or facilities.

Sec. 436.202. GRANT CRITERIA. (a) From money appropriated for this purpose, the commission may make a grant to an eligible local governmental entity to:

(1) enable the entity to match money or meet an investment requirement necessary to receive federal assistance provided to the local governmental entity for responding to or recovering from an event described by Section 436.201(b);
(2) match the entity’s contribution for a purpose described by Section 436.203 at a closed or realigned defense facility; or
(3) construct infrastructure and other projects necessary to accommodate a new or expanded military mission at a military base or to reduce the impact of an action of the United States Department of Defense that will negatively impact a defense facility located in or near the entity.

(b) The commission may not make a grant for an amount less than $50,000 or an amount more than the lesser of: 1985
(1) 50 percent of the amount of matching money or investment that the local governmental entity is required to provide, subject to Subsection (c);

(2) 50 percent of the local governmental entity's investment for purposes described by Section 436.203 if federal assistance is unavailable; or

(3) $2 million.

c) If the local governmental entity demonstrates to the commission that, because of a limited budget, the entity lacks the resources necessary to provide 50 percent of the amount of matching money or investment that the entity is required to provide, the commission may make a grant in an amount of not more than 80 percent of the amount of that matching money or investment requirement but may not make a grant in an amount that exceeds $2 million.

d) The commission may make a grant to an eligible local governmental entity without regard to the availability or acquisition of matching money.

Sec. 436.203. USE OF PROCEEDS. (a) A local governmental entity may use the proceeds of a grant awarded under this subchapter for the purchase of property, including the purchase of property from the United States Department of Defense or its designated agent, new construction, rehabilitation or renovation of facilities or infrastructure, or purchase of capital equipment or facilities insurance.

(b) The local governmental entity may deliver the money to a special district, development corporation, or other instrumentality of this state or the local governmental entity for use as provided by this chapter and other applicable law.

c) An eligible local governmental entity described by Section 436.201(a)(3) or (4) may use the proceeds of the grant to purchase or lease equipment to train defense workers whose jobs have been threatened or lost because of an event described by Section 436.201(b).

Sec. 436.204. APPLICATION FOR GRANT. (a) A local governmental entity may apply for a grant under this subchapter to the commission on a form prescribed by the commission. The commission shall establish periodic application cycles to enable the evaluation of groups of applicants.

(b) The office may assist a local governmental entity in applying for a grant under this chapter.

Sec. 436.205. PANEL: EVALUATION OF APPLICATION. (a) The commission shall establish a defense economic adjustment assistance panel composed of at least three and not more than five professional full-time employees of the office of the governor appointed by the director of the commission.

(b) The panel shall evaluate each grant application and assign the applicant a score based on:

(1) the significance of the adverse or positive effect within the local governmental entity, including the number of jobs that may be lost or gained in relation to the workforce in the local governmental entity's jurisdiction and the effect on the entity's and surrounding area's economy and tax revenue;

(2) the extent to which the local governmental entity may have used its existing resources to promote local economic development;

(3) the amount of any grant that the local governmental entity has previously received under this subchapter;

(4) the anticipated number of jobs that may be created or retained in relation to the amount of the grant sought; and

(5) the extent to which the grant will affect the region in which the local governmental entity is located.

Sec. 436.206. MAKING OF GRANT. The panel shall submit its scores to the commission. The commission shall use the scores to determine whether to make a grant to an applicant. The commission may not make a grant unless the legislature has appropriated the money for the grant.

Sec. 436.207. DEFENSE COMMUNITY WITH MORE THAN ONE MILITARY BASE. For purposes of the preference for adversely affected defense communities, a defense
community that contains or is in proximity to more than one military base is considered an adversely affected defense community if the local governmental entity is applying for a grant under this subchapter for a project relating to the military base that is closed or whose operations are significantly reduced.

SECTION 12. The heading to Chapter 397, Local Government Code, is amended to read as follows:

CHAPTER 397. STRATEGIC PLANNING RELATING TO MILITARY BASES AND DEFENSE FACILITIES [INSTALLATIONS]

SECTION 13. Section 397.001, Local Government Code, is amended to read as follows:

Sec. 397.001. DEFINITIONS. In this chapter:

(1) "Defense base" means a federally owned or operated military installation or facility that is presently functioning or was closed as a result of the United States Department of Defense base realignment process.

(2) "Defense community" means a political subdivision, including a municipality, county, or special district, that is adjacent to, is near, or encompasses any part of a military base or defense facility [base].

(3) "Defense facility" means a government agency, private business, or other entity providing a United States Department of Defense related function or a private business that provides direct services or products to the United States Department of Defense.

(4) "Military base" means a federally owned or operated military installation or facility that is presently functioning or was closed as a result of the United States Department of Defense base realignment process.

SECTION 14. The heading to Section 397.002, Local Government Code, is amended to read as follows:

Sec. 397.002. MILITARY BASE OR DEFENSE FACILITY [BASE MILITARY] VALUE ENHANCEMENT STATEMENT.

SECTION 15. Subsections (a), (c), (d), and (e), Section 397.002, Local Government Code, are amended to read as follows:

(a) A defense community that applies for financial assistance from the Texas military value revolving loan account under Section 436.153, Government Code, shall prepare, in consultation with the authorities from each military base or defense facility [base] associated with the community, a military base or defense facility [base-military] value enhancement statement that illustrates specific ways the funds will enhance the military or defense value of the military base or defense facility [installations] and must include the following information for each project:

(1) the purpose for which financial assistance is requested, including a description of the project;

(2) the source of other funds for the project;

(3) a statement on how the project will enhance the military or defense value of the military base or defense facility [installation];

(4) whether the defense community has coordinated the project with authorities of the military base or defense facility [installation] and whether any approval has been obtained from those authorities;

(5) whether any portion of the project is to occur on the military base or defense facility [installation];

(6) whether the project will have any negative impact on the natural or cultural environment;

(7) a description of any known negative factors arising from the project that will affect the community or the military base or defense facility [installation]; and

(8) a description of how the project will address future base realignment or closure or a negative United States Department of Defense decision.
Ch. 777, § 15 83rd LEGISLATURE—REGULAR SESSION

(c) Two or more defense communities near the same military base or defense facility [base] that apply for financial assistance from the Texas military value revolving loan account may prepare a joint statement.

(d) A copy of the military base or defense facility [base military] value enhancement statement shall be distributed to the authorities of each military base or defense facility [base] included in the statement and the Texas Military Preparedness Commission.

(e) This section does not prohibit a defense community that is not applying for financial assistance from preparing a military base or defense facility [base military] value enhancement statement under this section.

SECTION 16. Subsections (a) and (c), Section 397.0021, Local Government Code, are amended to read as follows:

(a) A defense community that is adjacent to a closed military base or defense facility [base installation] and applies for financial assistance from the Texas military value revolving loan account shall prepare an economic redevelopment value statement that illustrates specific ways the funds will be used to promote economic development in the community and include the following information for each project:

(1) the purpose for which financial assistance is requested, including a description of the project;

(2) the source of other funds for the project;

(3) a statement on how the project will promote economic development in the community;

(4) whether any portion of the project is to occur on a closed military base or defense facility [base installation];

(5) whether any approval has been obtained from those authorities retaining or receiving title to that portion of the closed military base or defense facility [base installation] to be affected by the project;

(6) whether the project will have any negative impact on the natural or cultural environment; and

(7) a description of any known negative factors arising from the project that will affect the defense community.

(c) Two or more defense communities near the same military base or defense facility [base] that apply for financial assistance from the Texas military value revolving loan account may prepare a joint statement.

SECTION 17. Sections 397.003, 397.004, and 397.005, Local Government Code, are amended to read as follows:

Sec. 397.003. COMPREHENSIVE DEFENSE [INSTALLATION AND] COMMUNITY STRATEGIC IMPACT PLAN. (a) A defense community may request financial assistance from the Texas military value revolving loan account to prepare a comprehensive defense [installation and] community strategic impact plan that states the defense community's long-range goals and development proposals relating to the following purposes:

(1) controlling negative effects of future growth of the defense community on the military base or defense facility [base] and minimizing encroachment on military exercises or training activities connected to the military base or defense facility;

(2) enhancing the military or defense value of the military base or defense facility [base] while reducing operating costs; and

(3) identifying which, if any, property and services in a region can be shared by the military base or defense facility [base] and the defense community.

(b) The comprehensive defense [installation and] community strategic impact plan should include, if appropriate, maps, diagrams, and text to support its proposals and must include the following elements as they relate to each military base or defense facility [base] included in the plan:

(1) a land use element that identifies:
(A) proposed distribution, location, and extent of land uses such as housing, business, industry, agriculture, recreation, public buildings and grounds, and other categories of public and private land uses as those uses may impact the [defense] base or facility; and

(B) existing and proposed regulations of land uses, including zoning, annexation, or planning regulations as those regulations may impact the [defense] base or facility;

(2) a transportation element that identifies the location and extent of existing and proposed freeways, streets, and roads and other modes of transportation;

(3) a population growth element that identifies past and anticipated population trends;

(4) a water resources element that:

(A) addresses currently available surface water and groundwater supplies; and

(B) addresses future growth projections and ways in which the water supply needs of the defense community and the [defense] base or facility can be adequately served by the existing resources, or if such a need is anticipated, plans for securing additional water supplies;

(5) a conservation element that describes methods for conservation, development, and use of natural resources, including land, forests, soils, rivers and other waters, wildlife, and other natural resources;

(6) an open-space area element that includes:

(A) a list of existing open-space land areas;

(B) an analysis of the [defense] base's or facility's forecasted needs for open-space areas to conduct its military training activities; and

(C) suggested strategies under which land on which some level of development has occurred can be made a transition to an open-space area, if needed;

(7) a restricted airspace element that establishes buffer zones, if needed, between the [defense] base or facility and the defense community; and

(8) a military training route element that identifies existing routes and proposes plans for additional routes, if needed.

(c) Two or more defense communities near the same military base or defense facility [base] may prepare a joint plan.

Sec. 397.004. PLANNING MANUAL. A defense community that has prepared a comprehensive defense [installation and community strategic impact plan described by Section 397.003 is encouraged to develop, in coordination with the authorities of each military base or defense facility [base] associated with the community, a planning manual based on the proposals contained in the plan. The manual should adopt guidelines for community planning and development to further the purposes described under Section 397.002. The defense community should, from time to time, consult with military base or defense facility [base] authorities regarding any changes needed in the planning manual guidelines adopted under this section.

Sec. 397.005. CONSULTATION WITH OR NOTIFICATION TO MILITARY BASE OR DEFENSE FACILITY [BASE] AUTHORITIES: PROPOSED ORDINANCE, RULE, OR PLAN. (a) This subsection applies to a defense community other than a defense community described by Subsection (b). If a defense community determines that an ordinance, rule, or plan proposed by the community may impact a military base or defense facility [base] or the military exercise or training activities connected to the base or facility, the defense community shall seek comments and analysis from the [defense] base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations. The defense community shall consider and analyze the comments and analysis before making a final determination relating to the proposed ordinance, rule, or plan.

(b) This subsection applies only to a defense community that includes a municipality with a population of more than 110,000 located in a county with a population of less than 135,000 and that has not adopted airport zoning regulations under Chapter 241. A defense community that proposes to adopt or amend an ordinance, rule, or plan in an area located within eight miles of the boundary line of a military base or defense facility [base] shall notify the
[defense base or facility authorities concerning the compatibility of the proposed ordinance, rule, or plan with base operations.

SECTION 18. The heading to Section 397.006, Local Government Code, is amended to read as follows:

Sec. 397.006. CONSULTATION WITH OR NOTIFICATION TO MILITARY BASE OR DEFENSE FACILITY [BASE] AUTHORITIES: PROPOSED STRUCTURE.

SECTION 19. Subsection (b), Section 397.006, Local Government Code, is amended to read as follows:

(b) On receipt of an application for a permit as described by Section 245.001 for a proposed structure in an area located within eight miles of the boundary line of a military base or defense facility [base], the defense community reviewing the application shall notify the [defense] base or facility authorities concerning the compatibility of the proposed structure with base operations.

SECTION 20. Section 436.151, Government Code, and Chapter 486, Government Code, are repealed.

SECTION 21. This Act takes effect September 1, 2013.

Passed the Senate on April 25, 2013: Yeas 28, Nays 0; the Senate concurred in House amendment on May 22, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 17, 2013: Yeas 132, Nays 2, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 778

S.B. No. 1221

AN ACT

relating to use of a Medicaid-based fee schedule for reimbursement of services under a contract between a health care provider and certain health benefit plans.

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

SECTION 1. Chapter 1451, Insurance Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. REIMBURSEMENT OF HEALTH CARE PROVIDERS

Sec. 1451.451. REIMBURSEMENT UNDER MEDICAID-BASED FEE SCHEDULE. (a) An insurance company, health maintenance organization, or preferred provider organization that contracts with a health care provider to provide services in connection with Chapter 533, Government Code, or Chapter 62, Health and Safety Code, may not require the health care provider to provide access to or transfer the provider's name and contracted discounted fee for use with health benefit plans issued to individuals and groups under Chapter 1271 or 1301.

(b) An insurance company, health maintenance organization, or preferred provider organization may provide access to or transfer a provider's name and discounted fee described by Subsection (a) only if:

(1) the insurance company, health maintenance organization, or preferred provider organization provides written notice to the provider that is printed in conspicuous boldface type near a separate signature line and includes a statement substantially similar to the following: "By signing on this line, you may be agreeing to apply this company's Medicaid or CHIP fee schedule to services you provide to commercial insurance or HMO enrollees."); and

1990