Ch. 1197
S.B. No. 1214
AN ACT
relating to certain economic development programs administered by the Department of Agriculture.

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

SECTION 1. Section 12.027, Agriculture Code, is amended by amending Subsections (b) and (d) and adding Subsection (g) to read as follows:

(b) In administering the program, the department shall:

(1) promote economic growth in rural areas;

(2) identify potential opportunities for business in rural areas and assist rural communities in maximizing those opportunities;

(3) work with rural communities to identify economic development needs and direct those communities to persons who can address and assist in meeting those needs;
(4) encourage communication between organizations, industries, and regions to improve economic and community development services to rural areas;

(5) coordinate meetings with public and private entities to distribute information beneficial to rural areas;

(6) enter into a memorandum of agreement to work cooperatively with the Texas Department of Economic Development and Tourism Office, the Texas A&M AgriLife Extension Service, and other entities the department deems appropriate to further program objectives; and

(7) perform any other functions necessary to carry out the program.

(d) The department by rule may charge a membership fee to a [seek] participant in the program.

(g) In addition to the department’s authority under Subsection (a), the department may request, accept, and use any gift, grant, loan, donation, aid, appropriation, guaranty, allocation, subsidy, or contribution of any item of value to further an economic development program in this state.

SECTION 2. Chapter 12, Agriculture Code, is amended by adding Section 12.0272 to read as follows:

Sec. 12.0272. TEXAS ECONOMIC DEVELOPMENT FUND. (a) The Texas economic development fund is a fund in the state treasury. The fund consists of:

(1) all interest, income, revenue, and other assets associated with economic development programs established using money allocated and paid to the department under the August 15, 2011, allocation agreement between the department and the United States Department of the Treasury, as amended, to implement the State Small Business Credit Initiative Act of 2010 (12 U.S.C. Section 5701 et seq.);

(2) all money, deposits, distributions, dividends, earnings, gain, income, interest, proceeds, profits, program income, rents, returns of capital, returns on investments, royalties, revenue, or yields received or realized by the department as a result of an investment made by or on behalf of the department pursuant to the August 15, 2011, allocation agreement between the department and the United States Department of the Treasury, as amended;

(3) gifts, loans, donations, aid, appropriations, guaranties, allocations, subsidies, grants, or contributions received under Section 12.027(g);

(4) interest and income earned on the investment of money in the fund; and

(5) other money required by law to be deposited in the fund.

(b) Money in the Texas economic development fund may be appropriated only to the department for the purpose of administering, establishing, implementing, or maintaining an economic development program under this section and is dedicated to and may be used only for the administration, establishment, implementation, or maintenance of one or more of the department’s economic development programs.

(c) The Texas economic development fund is exempt from Section 403.095, Government Code.

SECTION 3. Subsections (d) and (g), Section 12.040, 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

2995
(3) submit to the department:
   (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, opportu-
      nities 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
submitted and approved, the department shall provide assistance to the
community as determined by department rule:
   (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 advertis-
      ings; and
   (5) an evaluation and progress assessment on maintaining and improving the communi-
      ty's desirability as a home for retirees.

SECTION 4. Subsection (a), Section 44.007, Agriculture Code, is amended to read as
follows:
(a) The board shall establish an interest rate reduction program to foster the:
   (1) creation and expansion of enterprises based on agriculture in this state; or
   (2) development or expansion of businesses in rural areas of this state.

SECTION 5. Section 58.022, Agriculture Code, is amended to read as follows:
Sec. 58.022. POWERS OF AUTHORITY. The authority has all powers necessary to
accomplish the purposes and programs of the authority, including the power:
(1) to adopt and enforce bylaws, rules, and procedures and perform all functions
    necessary for the board to carry out this chapter;
(2) to sue and be sued, complain, and defend, in its own name;
(3) to adopt and use an official seal and alter it when considered advisable;
(4) to acquire, hold, invest, use, pledge, and dispose of its revenues, income, receipts,
    funds, and money from every source and to select one or more depositories, inside or
    outside the state, subject to this chapter, any resolution, bylaws, or in any indenture
    pursuant to which the funds are held;
(5) to establish, charge, and collect fees, charges, and penalties in connection with the
    programs, services, and activities provided by the authority in accordance with this chapter;
(6) to issue its bonds, to provide for and secure the payment of the bonds, and provide
    for the rights of the owners of the bonds, in the manner and to the extent permitted by this
    chapter, and to purchase, hold, cancel, or resell or otherwise dispose of its bonds, subject to
    any restrictions in any resolution authorizing the issuance of its bonds;
(7) to procure insurance and pay premiums on insurance of any type, in amounts, and
    from insurers as the board considers necessary and advisable to accomplish any of its
    purposes;
(8) to make, enter into, and enforce contracts, agreements, including management agreements, for the management of any of the authority's property, leases, indentures, mortgages, deeds of trust, security agreements, pledge agreements, credit agreements, and other instruments with any person, including any lender and any federal, state, or local governmental agency, and to take other actions as may accomplish any of its purposes;

(9) to own, rent, lease, or otherwise acquire, accept, or hold real, personal, or mixed property, or any interest in property in performing its duties and exercising its powers under this chapter, by purchase, exchange, gift, assignment, transfer, foreclosure, mortgage, sale, lease, or otherwise and to hold, manage, operate, or improve real, personal, or mixed property, wherever situated;

(10) to sell, lease, encumber, mortgage, exchange, donate, convey, or otherwise dispose of any or all of its properties or any interest in its properties, deed of trust or mortgage lien interest owned by it or under its control, custody, or in its possession, and release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it, and to do any of the foregoing by public or private sale, with or without public bidding, notwithstanding any other law; and to lease or rent any improvements, lands, or facilities from any person to effect the purposes of this chapter;

(11) to request, accept, and use gifts, loans, donations, aid, appropriations, guaranties, allocations, subsidies, grants, or contributions of any item of value for the furtherance of any of its purposes;

(12) to make secured or unsecured loans for the purpose of providing temporary or permanent financing or refinancing for eligible agricultural businesses for the purposes authorized by this chapter, including the refunding of outstanding obligations, mortgages, or advances issued for those purposes, and charge and collect interest on those loans for such loan payments and on such terms and conditions as the board may consider advisable and not in conflict with this chapter;

(13) to secure the payment by the state or the authority on guarantees and to pay claims from money in the authority's funds pursuant to the loan guarantee and insurance programs implemented by the authority;

(14) to purchase or acquire, sell, discount, assign, negotiate, and otherwise dispose of notes, debentures, bonds, or other evidences of indebtedness of eligible agricultural businesses, whether unsecured or secured, as the board may determine, or portions or portfolios of or participations in those evidences of indebtedness, and sell and guarantee securities, whether taxable or tax exempt under federal law in primary and secondary markets in furtherance of any of the authority's purposes; and

(15) to exercise all powers given to a corporation under Chapter 22, Business Organizations Code [the Texas Non-Profit Corporation Act (Article 1396-1 et seq., Vernon's Texas Civil Statutes)], to the extent not inconsistent with this chapter.

SECTION 6. Subsection (a), Section 58.053, Agriculture Code, is amended to read as follows:

(a) An eligible applicant's documentation shall include the following for the board's review:

(1) the plan, as submitted to the lender, for the applicant's proposed farm or ranch operation or agriculture-related business to be financed that includes a budget for the proposed operation;

(2) a completed application for a loan from a commercial lender on which an eligible applicant has indicated how the loan proceeds will be used to implement the applicant's plan; and

(3) the signed statement of a loan officer of the commercial lender that a loan guarantee is requested [required] for approval of the loan application.

SECTION 7. The heading to Section 502.404, Transportation Code, is amended to read as follows:

Sec. 502.404. VOLUNTARY ASSESSMENT FOR TEXAS AGRICULTURAL FINANCE AUTHORITY [YOUNG FARMER LOAN GUARANTEES].
SECTION 8. Subsection (f), Section 12.040, Agriculture Code, is repealed.

SECTION 9. 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 the Senate on March 27, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 23, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 20, 2013: Yeas 144, Nays 3, one present not voting.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1198

S.B. No. 1216

AN ACT

relating to the creation of a standard request form for prior authorization of medical care or health care services.

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

SECTION 1. Subtitle A, Title 8, Insurance Code, is amended by adding Chapter 1217 to read as follows:

CHAPTER 1217. STANDARD REQUEST FORM FOR PRIOR AUTHORIZATION OF HEALTH CARE SERVICES

Sec. 1217.001. DEFINITIONS. In this chapter:

(1) “Health benefit plan issuer” means an entity authorized under this code or another insurance law of this state that delivers or issues for delivery a health benefit plan or other coverage that is covered under this chapter as described by Section 1217.002. The term includes:

(A) an insurance company;
(B) a group hospital service corporation operating under Chapter 842;
(C) a fraternal benefit society operating under Chapter 885;
(D) a stipulated premium company operating under Chapter 884;
(E) a reciprocal exchange operating under Chapter 942;
(F) a health maintenance organization operating under Chapter 843;
(G) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or
(H) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(2) “Health care services” includes medical or health care treatments, consultations, procedures, drugs, supplies, imaging and diagnostic services, inpatient and outpatient care, medical devices, and durable medical equipment. The term does not include prescription drugs as defined by Section 551.003, Occupations Code.

Sec. 1217.002. APPLICABILITY OF CHAPTER. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or a small or large employer group contract or similar coverage document that is offered by:

(1) an insurance company;
(2) a group hospital service corporation operating under Chapter 842;
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