Sec. 1458.103. ENFORCEMENT. The commissioner may impose a sanction under Chapter 82 or assess an administrative penalty under Chapter 84 on a contracting entity that violates this chapter or a rule adopted to implement this chapter.

SECTION 2. (a) The change in law made by this Act applies only to a provider network contract entered into or renewed on or after September 1, 2013. A provider network contract entered into or renewed before September 1, 2013, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(b) For the purposes of compliance with Section 1458.101, Insurance Code, as added by this Act, a provider’s express authority is presumed if:

1. the provider network contract is in existence before September 1, 2013;
2. on the first renewal after September 1, 2013, the contracting entity sends a written renewal notice by United States mail to the provider;
3. the notice described by Subdivision (2) of this subsection:
   (A) contains a statement that failure to timely respond serves as assent to the renewal;
   (B) contains separate signature lines for each line of business applicable to the contract; and
   (C) specifies the separate fee schedule for each line of business applicable to the contract, described in any reasonable manner and which may be provided electronically; and
4. the provider fails to respond within 60 days of receipt of the notice and has not objected to the renewal.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on April 17, 2013: Yeas 31, Nays 0; the Senate concurred in House amendment on May 13, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 8, 2013: Yeas 113, Nays 29, one present not voting.

Approved May 25, 2013.

Effective September 1, 2013.

CHAPTER 198

S.B. No. 1225

AN ACT relating to the facilities to which Chapter 68, Water Code, applies.

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

SECTION 1. Subsection (b), Section 68.051, Water Code, is amended to read as follows:

(b) This chapter applies to the following types of facilities in the district:

1. a chemical manufacturers’ association facility;
2. a mutual aid organization facility;
3. a facility as defined in 46 U.S.C. Section 70101;
4. a facility described by 33 C.F.R. Section 105.105(a);
5. a facility subject to an area maritime transportation security plan under 46 U.S.C. Section 70103(b);
6. a facility subject to 40 C.F.R. Part 112;
7. a general shipyard facility as defined by 46 C.F.R. Section 298.2;
8. a facility included in one or more of the following categories and codes of the 2007 North American Industry Classification System:
   (A) crude petroleum and natural gas extraction, 211111;
(B) petroleum refineries, 324110;
(C) petrochemical [petroleum] manufacturing, 3251 [325410];
(D) petroleum lubricating oil and grease manufacturing, 324191;
(E) all other petroleum and coal products manufacturing, 324199;
(F) all other chemical [and other] manufacturing, 32598 [311111–339999];
(G) petroleum bulk stations and terminals, 424710;
(H) plastics, chemical, and petroleum wholesalers, 424610, 424690, and 424720;
(I) transportation, including rail, water, and road transportation and pipelines,
482111–482112, 483111–483114, 484110–484230, 486110–486990, 488210, 488390, and
488490;
(J) port and harbor operations, 488310;
(K) marine cargo handling, 488320;
(L) warehousing and storage, including general, refrigerated, farm and other, 493110,
493120, 493130, and 493190; and
(M) deep sea and coastal freight and passenger transportation, 483111–483114; and
(9) a facility described by Subsection (c).

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 the Senate on April 18, 2013: Yeas 31, Nays 0; passed the House on May 10,
2013: Yeas 142, Nays 1, two present not voting.

Approved May 25, 2013.
Effective May 25, 2013.

CHAPTER 199

S.B. No. 1332

AN ACT
relating to who is an employee for large and small employers for health benefit plans.

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

SECTION 1. Subdivisions (8), (13), and (14), Section 1501.002, Insurance Code, are
amended to read as follows:

(8) “Large employer” means a person who employed an average of at least 51 [eligible]
employees on business days during the preceding calendar year and who employs at least
two employees on the first day of the plan year. The term includes a governmental entity
subject to Article 3.51–1, 3.51–4, or 3.51–6, to Subchapter C, Chapter 1364, to Chapter 1578,
or to Chapter 177, Local Government Code, that otherwise meets the requirements of this
subdivision. For purposes of this definition, a partnership is the employer of a partner.

(13) “Premium” means all amounts paid by a small or large employer and [eligible]
employees as a condition of receiving coverage from a small or large employer health
benefit plan issuer, including any fees or other contributions associated with a health
benefit plan.

(14) “Small employer” means a person who employed an average of at least two
employees but not more than 50 [eligible] employees on business days during the preceding
calendar year and who employs at least two employees on the first day of the plan year.
The term includes a governmental entity subject to Article 3.51–1, 3.51–4, or 3.51–6, to
Subchapter C, Chapter 1364, to Chapter 1578, or to Chapter 177, Local Government Code,