

By: Deshotel

H.B. No. 1467

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reservations of the state ceiling and priority
3 carryforward classifications for certain projects under the
4 private activity bond allocation program.

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

6 SECTION 1. Section 1372.031, Government Code, is amended to
7 read as follows:

8 Sec. 1372.031. PRIORITIES FOR RESERVATIONS AMONG CERTAIN
9 ISSUERS. (a) Except as provided by Subsection (b) and subject
10 [Subject] to Sections 1372.0321 and 1372.0231, if, on or before
11 October 20, more than one issuer in a category described by Section
12 1372.022(a)(2), (3), (4), or (6) applies for a reservation of the
13 state ceiling for the next program year, the board shall grant
14 reservations in that category in the order determined by the board
15 by lot.

16 (b) Within the category described by Section
17 1372.022(a)(6), the board shall grant an issuer described by
18 Section 1372.037(c) that applies on or before October 20 for a
19 reservation of the state ceiling for the next program year a
20 priority over all other issuers that apply for a reservation of the
21 state ceiling for the next program year.

22 SECTION 2. Section 1372.037, Government Code, is amended by
23 amending Subsection (a) and adding Subsection (c) to read as
24 follows:

1 (a) Except as provided by Subsections [~~Subsection~~] (b) and
2 (c), before September 1 the board may not grant for any single
3 project a reservation for that year that is greater than:

4 (1) \$25 million, if the issuer is an issuer of
5 qualified mortgage bonds, other than the Texas Department of
6 Housing and Community Affairs;

7 (2) \$50 million, if the issuer is an issuer of a
8 state-voted issue, other than the Texas Higher Education
9 Coordinating Board, or \$75 million, if the issuer is the Texas
10 Higher Education Coordinating Board;

11 (3) the amount to which the Internal Revenue Code
12 limits issuers of qualified small issue bonds and enterprise zone
13 facility bonds, if the issuer is an issuer of those bonds;

14 (4) the lesser of \$15 million or 15 percent of the
15 amount set aside for reservation by issuers of qualified
16 residential rental project bonds, if the issuer is an issuer of
17 those bonds;

18 (5) the amount as prescribed in Sections 1372.033(d),
19 (e), and (f), if the issuer is an issuer authorized by Section
20 53B.47 [~~53.47~~], Education Code, to issue qualified student loan
21 bonds; or

22 (6) \$50 million, if the issuer is any other issuer of
23 bonds that require an allocation.

24 (c) Notwithstanding the limitation provided by Subsection
25 (a)(6), the board may grant to the Texas Economic Development Bank a
26 reservation of the portion of the available state ceiling
27 determined by the governor for one or more projects that the Texas

1 Economic Development and Tourism Office determines meets the
2 governor's criteria for funding from the Texas Enterprise Fund.

3 SECTION 3. Section 1372.063, Government Code, is amended to
4 read as follows:

5 Sec. 1372.063. PRIORITY 1 CARRYFORWARD CLASSIFICATION. The
6 priority 1 carryforward classification applies to:

- 7 (1) an issuer of a state-voted issue; and
8 (2) a state agency, other than an issuer of a
9 state-voted issue, that applies for a carryforward designation for
10 a project that:

- 11 (A) is described by Section 1372.067(a)(2); and
12 (B) the Texas Economic Development and Tourism
13 Office determines meets the governor's criteria for funding from
14 the Texas Enterprise Fund.

15 SECTION 4. Section 1372.069(c), Government Code, is amended
16 to read as follows:

17 (c) An issuer may not apply for the carryforward designation
18 of an amount that is greater than \$50 million. This subsection does
19 not apply to the Texas Economic Development Bank for a project
20 described by Section 1372.037(c).

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.