

1-1 By: Maldonado, et al. (Senate Sponsor - Ogden) H.B. No. 2805
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 7, 2009, read first time and referred to Committee on Higher
1-4 Education; May 20, 2009, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 20, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the administration, powers, duties, operation, and
1-9 financing of the East Williamson County Multi-Institution Teaching
1-10 Center.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 130.092, Education Code, is amended by
1-13 adding Subsections (f), (g), (h), (i), (j), (k), and (l) to read as
1-14 follows:

1-15 (f) A member institution of the center, a political
1-16 subdivision, an entity created by a political subdivision, or a
1-17 nonprofit corporation may individually or jointly, under the terms
1-18 of an agreement under Subsection (d), finance or refinance the
1-19 acquisition, purchase, construction, improvement, renovation,
1-20 enlargement, or equipping of physical facilities described by
1-21 Subsection (d) through the issuance of bonds, notes, or other
1-22 obligations. The financing of facilities under this subsection may
1-23 be made through a long-term agreement with another member
1-24 institution, political subdivision, or other entity described by
1-25 this subsection, or through a guarantee of any bond, note, or other
1-26 obligation. Any bond, note, or other obligation issued or a
1-27 long-term agreement or guarantee made under this subsection may not
1-28 exceed a term of 40 years.

1-29 (g) Any bond, note, or other obligation issued or long-term
1-30 agreement or guarantee made under Subsection (f) may be pledged as
1-31 security for and used towards the payment of any bond, note, or
1-32 other obligation issued for the benefit of the center. A bond,
1-33 note, or other obligation issued or long-term agreement or
1-34 guarantee made under Subsection (f) is not subject to annual
1-35 appropriation.

1-36 (h) The financing of facilities under this section promotes
1-37 the public purpose of supporting higher education and further
1-38 promotes the public purpose of developing and diversifying the
1-39 economy of this state and eliminating unemployment and
1-40 underemployment in this state under the authority granted by
1-41 Section 52-a, Article III, Texas Constitution.

1-42 (i) A member institution of the center, political
1-43 subdivision, entity created by a political subdivision, or
1-44 nonprofit corporation may pledge irrevocably to the payment of
1-45 bonds, notes, or other obligations issued or a long-term agreement
1-46 or guarantee made under Subsection (f), and to the extent permitted
1-47 by law, all or any part of the available revenues, taxes, or any
1-48 combination of revenues and taxes of the member institution,
1-49 political subdivision, entity, or nonprofit corporation. The
1-50 amount of a pledge made under this subsection may not be reduced or
1-51 abrogated while any bonds, notes, or obligations for which the
1-52 pledge is made, or bonds, notes, or other obligations issued to
1-53 refund those bonds, notes, or obligations, are outstanding.

1-54 (j) An agreement providing for bonds, notes, or other
1-55 obligations, or a long-term agreement or guarantee, under
1-56 Subsection (f) may provide for a member institution, political
1-57 subdivision, entity created by a political subdivision, or
1-58 nonprofit corporation to have an ownership or other interest in the
1-59 facilities to be financed by the bonds, notes, or obligations, or
1-60 long-term agreements or guarantees, or to participate in the
1-61 operation of the facility.

1-62 (k) A member institution of the center, political
1-63 subdivision, entity created by a political subdivision, or
1-64 nonprofit corporation may use an entity created under Chapter 53 or

2-1 53A to accomplish the purposes of this section.

2-2 (1) This section is wholly sufficient authority for the
2-3 execution of agreements, the pledge of revenues, taxes, or any
2-4 combination of revenues and taxes, and the performance of other
2-5 acts and procedures authorized by this section without reference to
2-6 any other provision of law or any restriction or limitation
2-7 contained in those provisions, except as specifically provided by
2-8 this section. To the extent of any conflict or inconsistency
2-9 between this section and any other law, this section shall prevail
2-10 and control. A member institution of the center, political
2-11 subdivision, entity created by a political subdivision, or
2-12 nonprofit corporation may use any law not in conflict with this
2-13 section to the extent convenient or necessary to carry out any power
2-14 or authority, expressed or implied, granted by this section.

2-15 SECTION 2. This Act takes effect immediately if it receives
2-16 a vote of two-thirds of all the members elected to each house, as
2-17 provided by Section 39, Article III, Texas Constitution. If this
2-18 Act does not receive the vote necessary for immediate effect, this
2-19 Act takes effect September 1, 2009.

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