

By: Bonnen

H.B. No. 2251

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Public Finance Authority.

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

SECTION 1. Section 1232.072, Government Code, is amended to read as follows:

Sec. 1232.072. SUNSET PROVISION. The Texas Public Finance Authority is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished and this chapter expires September 1, 2023 [~~2011~~].

SECTION 2. Subchapter B, Chapter 1232, Government Code, is amended by adding Section 1232.073 to read as follows:

Sec. 1232.073. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The board shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of authority rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the authority's jurisdiction.

(b) The authority's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state

1 agencies.

2 (c) The authority shall:

3 (1) coordinate the implementation of the policy
4 adopted under Subsection (a);

5 (2) provide training as needed to implement the
6 procedures for negotiated rulemaking or alternative dispute
7 resolution; and

8 (3) collect data concerning the effectiveness of those
9 procedures.

10 SECTION 3. Section 1232.101, Government Code, is amended to
11 read as follows:

12 Sec. 1232.101. ISSUANCE OF BONDS FOR CERTAIN STATE
13 AGENCIES. (a) With respect to all bonds authorized to be issued by
14 or on behalf of the adjutant general's department, Parks and
15 Wildlife Department, Texas Agricultural Finance Authority, Texas
16 Low-Level Radioactive Waste Disposal Authority[, ~~Stephen F. Austin~~
17 ~~State University~~], Midwestern State University, and Texas Southern
18 University, the authority has the exclusive authority to act on
19 behalf of those entities in issuing bonds on their behalf. In
20 connection with those issuances and with the issuance of refunding
21 bonds on behalf of those entities, the authority is subject to all
22 rights, duties, and conditions surrounding issuance previously
23 applicable to the issuing entity under the statute authorizing the
24 issuance. A reference in an authorizing statute to the entity on
25 whose behalf the bonds are being issued applies equally to the
26 authority in its capacity as issuer on behalf of the entity.

27 (b) Except as provided by Subsection (a), the authority may,

1 under an agreement entered into with Texas State Technical College
2 System or a general academic teaching institution as defined by
3 Section 61.003, Education Code, act on behalf of Texas State
4 Technical College System or a general academic teaching institution
5 in issuing bonds on the system's or institution's behalf. In
6 connection with those issuances and with the issuance of refunding
7 bonds on behalf of the system or those institutions, the authority
8 is subject to all rights, duties, and conditions surrounding
9 issuance previously applicable to the issuing system or institution
10 under the statute authorizing the issuance. A reference in an
11 authorizing statute to the system or institution on whose behalf
12 the bonds are being issued applies equally to the authority in its
13 capacity as issuer on behalf of the system or institution. An
14 agreement under this subsection may provide for reimbursement to
15 the authority for costs incurred in issuing bonds under the
16 agreement.

17 SECTION 4. Subchapter C, Chapter 1232, Government Code, is
18 amended by adding Section 1232.1221 to read as follows:

19 Sec. 1232.1221. COMMENCEMENT OF CERTAIN MULTIYEAR
20 CANCER-RELATED PROJECTS. (a) Funds may be distributed to a grant
21 recipient for a multiyear project for which an award is granted by
22 the Cancer Prevention and Research Institute of Texas Oversight
23 Committee as authorized by Section 102.257, Health and Safety Code,
24 after the authority has certified that obligations in an amount
25 sufficient to pay the money needed to fund the project have been
26 authorized for issuance by the authority and approved by the Bond
27 Review Board.

1 (b) After issuing the obligations, the board shall:

2 (1) pay the costs of the issuance and any related bond
3 administrative costs of the authority;

4 (2) certify to the Cancer Prevention and Research
5 Institute of Texas and to the comptroller that the proceeds from the
6 issuance are available; and

7 (3) deposit the proceeds into the state treasury to be
8 credited to the account of the Cancer Prevention and Research
9 Institute of Texas.

10 SECTION 5. Section 55.13(c), Education Code, is amended to
11 read as follows:

12 (c) Notwithstanding any other provision of this section,
13 with respect to all bonds authorized to be issued by Midwestern
14 State University[~~, Stephen F. Austin State University,~~] or Texas
15 Southern University, the Texas Public Finance Authority shall
16 exercise the authority of a board to issue bonds on behalf of those
17 institutions, in the manner provided by this subchapter, including
18 the authority to issue refunding bonds under Section 55.19. In
19 connection with the issuance of bonds under this chapter, the Texas
20 Public Finance Authority has all the rights and duties granted or
21 assigned to and is subject to the same conditions as a board under
22 this chapter.

23 SECTION 6. Section 102.257, Health and Safety Code, is
24 amended to read as follows:

25 Sec. 102.257. MULTIYEAR PROJECTS. The oversight committee
26 may grant funds for a multiyear project. The oversight committee
27 must specify the total amount of [~~All the~~] money approved [~~needed~~]

1 to fund the ~~[a]~~ multiyear project. The total amount specified is
2 considered for purposes of this subchapter to have been ~~[must be]~~
3 awarded in the state fiscal year that the project is approved by the
4 research and prevention programs committee. The institute shall
5 distribute only the money that will be expended during that fiscal
6 year. The remaining money shall be ~~[maintained in an escrow account~~
7 ~~to be]~~ distributed by the institute as the money is needed in each
8 subsequent fiscal year ~~[years of the project]~~.

9 SECTION 7. (a) The changes in law made by this Act apply
10 only to a grant of funds for a multiyear project by the Cancer
11 Prevention and Research Institute of Texas Oversight Committee as
12 authorized by Section 102.257, Health and Safety Code, as amended
13 by this Act, awarded on or after the effective date of this Act. A
14 grant of funds for a multiyear project awarded before that date is
15 governed by the law in effect on the date the grant was awarded, and
16 the former law is continued in effect for that purpose.

17 (b) The changes in law made by this Act to Section 55.13,
18 Education Code, and Section 1232.101, Government Code, apply only
19 to bonds authorized on or after the effective date of this Act.
20 Bonds authorized before that date are governed by the law in effect
21 on the date the bonds were authorized, and the former law is
22 continued in effect for that purpose.

23 SECTION 8. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2011.