

1-1 By: Bonnen (Senate Sponsor - Whitmire) H.B. No. 2251
1-2 (In the Senate - Received from the House April 19, 2011;
1-3 April 26, 2011, read first time and referred to Committee on
1-4 Government Organization; May 5, 2011, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 5, 2011, sent to printer.)

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

1-8 relating to the continuation and functions of the Texas Public
1-9 Finance Authority.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 1232.072, Government Code, is amended to
1-12 read as follows:

1-13 Sec. 1232.072. SUNSET PROVISION. The Texas Public Finance
1-14 Authority is subject to Chapter 325 (Texas Sunset Act). Unless
1-15 continued in existence as provided by that chapter, the authority
1-16 is abolished and this chapter expires September 1, 2023 [2011].

1-17 SECTION 2. Subchapter B, Chapter 1232, Government Code, is
1-18 amended by adding Section 1232.073 to read as follows:

1-19 Sec. 1232.073. NEGOTIATED RULEMAKING AND ALTERNATIVE
1-20 DISPUTE RESOLUTION. (a) The board shall develop and implement a
1-21 policy to encourage the use of:

1-22 (1) negotiated rulemaking procedures under Chapter
1-23 2008 for the adoption of authority rules; and

1-24 (2) appropriate alternative dispute resolution
1-25 procedures under Chapter 2009 to assist in the resolution of
1-26 internal and external disputes under the authority's jurisdiction.

1-27 (b) The authority's procedures relating to alternative
1-28 dispute resolution must conform, to the extent possible, to any
1-29 model guidelines issued by the State Office of Administrative
1-30 Hearings for the use of alternative dispute resolution by state
1-31 agencies.

1-32 (c) The authority shall:

1-33 (1) coordinate the implementation of the policy
1-34 adopted under Subsection (a);

1-35 (2) provide training as needed to implement the
1-36 procedures for negotiated rulemaking or alternative dispute
1-37 resolution; and

1-38 (3) collect data concerning the effectiveness of those
1-39 procedures.

1-40 SECTION 3. Section 1232.101, Government Code, is amended to
1-41 read as follows:

1-42 Sec. 1232.101. ISSUANCE OF BONDS FOR CERTAIN STATE
1-43 AGENCIES. (a) With respect to all bonds authorized to be issued by
1-44 or on behalf of the adjutant general's department, Parks and
1-45 Wildlife Department, Texas Agricultural Finance Authority, Texas
1-46 Low-Level Radioactive Waste Disposal Authority [~~Stephen F. Austin~~
1-47 ~~State University~~], Midwestern State University, and Texas Southern
1-48 University, the authority has the exclusive authority to act on
1-49 behalf of those entities in issuing bonds on their behalf. In
1-50 connection with those issuances and with the issuance of refunding
1-51 bonds on behalf of those entities, the authority is subject to all
1-52 rights, duties, and conditions surrounding issuance previously
1-53 applicable to the issuing entity under the statute authorizing the
1-54 issuance. A reference in an authorizing statute to the entity on
1-55 whose behalf the bonds are being issued applies equally to the
1-56 authority in its capacity as issuer on behalf of the entity.

1-57 (b) Except as provided by Subsection (a), the authority may,
1-58 under an agreement entered into with Texas State Technical College
1-59 System or a general academic teaching institution as defined by
1-60 Section 61.003, Education Code, act on behalf of Texas State
1-61 Technical College System or a general academic teaching institution
1-62 in issuing bonds on the system's or institution's behalf. In
1-63 connection with those issuances and with the issuance of refunding
1-64 bonds on behalf of the system or those institutions, the authority

2-1 is subject to all rights, duties, and conditions surrounding
 2-2 issuance previously applicable to the issuing system or institution
 2-3 under the statute authorizing the issuance. A reference in an
 2-4 authorizing statute to the system or institution on whose behalf
 2-5 the bonds are being issued applies equally to the authority in its
 2-6 capacity as issuer on behalf of the system or institution. An
 2-7 agreement under this subsection may provide for reimbursement to
 2-8 the authority for costs incurred in issuing bonds under the
 2-9 agreement.

2-10 SECTION 4. Subchapter C, Chapter 1232, Government Code, is
 2-11 amended by adding Section 1232.1221 to read as follows:

2-12 Sec. 1232.1221. COMMENCEMENT OF CERTAIN MULTIYEAR
 2-13 CANCER-RELATED PROJECTS. (a) Funds may be distributed to a grant
 2-14 recipient for a multiyear project for which an award is granted by
 2-15 the Cancer Prevention and Research Institute of Texas Oversight
 2-16 Committee as authorized by Section 102.257, Health and Safety Code,
 2-17 after the authority has certified that obligations in an amount
 2-18 sufficient to pay the money needed to fund the project have been
 2-19 authorized for issuance by the authority and approved by the Bond
 2-20 Review Board.

2-21 (b) After issuing the obligations, the board shall:

2-22 (1) pay the costs of the issuance and any related bond
 2-23 administrative costs of the authority;

2-24 (2) certify to the Cancer Prevention and Research
 2-25 Institute of Texas and to the comptroller that the proceeds from the
 2-26 issuance are available; and

2-27 (3) deposit the proceeds into the state treasury to be
 2-28 credited to the account of the Cancer Prevention and Research
 2-29 Institute of Texas.

2-30 SECTION 5. Section 55.13(c), Education Code, is amended to
 2-31 read as follows:

2-32 (c) Notwithstanding any other provision of this section,
 2-33 with respect to all bonds authorized to be issued by Midwestern
 2-34 State University[, ~~Stephen F. Austin State University,~~] or Texas
 2-35 Southern University, the Texas Public Finance Authority shall
 2-36 exercise the authority of a board to issue bonds on behalf of those
 2-37 institutions, in the manner provided by this subchapter, including
 2-38 the authority to issue refunding bonds under Section 55.19. In
 2-39 connection with the issuance of bonds under this chapter, the Texas
 2-40 Public Finance Authority has all the rights and duties granted or
 2-41 assigned to and is subject to the same conditions as a board under
 2-42 this chapter.

2-43 SECTION 6. Section 102.257, Health and Safety Code, is
 2-44 amended to read as follows:

2-45 Sec. 102.257. MULTIYEAR PROJECTS. The oversight committee
 2-46 may grant funds for a multiyear project. The oversight committee
 2-47 must specify the total amount of [All the] money approved [needed]
 2-48 to fund the [a] multiyear project. The total amount specified is
 2-49 considered for purposes of this subchapter to have been [must be]
 2-50 awarded in the state fiscal year that the project is approved by the
 2-51 research and prevention programs committee. The institute shall
 2-52 distribute only the money that will be expended during that fiscal
 2-53 year. The remaining money shall be [maintained in an escrow account
 2-54 to be] distributed by the institute as the money is needed in each
 2-55 subsequent fiscal year [years of the project].

2-56 SECTION 7. (a) The changes in law made by this Act apply
 2-57 only to a grant of funds for a multiyear project by the Cancer
 2-58 Prevention and Research Institute of Texas Oversight Committee as
 2-59 authorized by Section 102.257, Health and Safety Code, as amended
 2-60 by this Act, awarded on or after the effective date of this Act. A
 2-61 grant of funds for a multiyear project awarded before that date is
 2-62 governed by the law in effect on the date the grant was awarded, and
 2-63 the former law is continued in effect for that purpose.

2-64 (b) The changes in law made by this Act to Section 55.13,
 2-65 Education Code, and Section 1232.101, Government Code, apply only
 2-66 to bonds authorized on or after the effective date of this Act.
 2-67 Bonds authorized before that date are governed by the law in effect
 2-68 on the date the bonds were authorized, and the former law is
 2-69 continued in effect for that purpose.

3-1 SECTION 8. This Act takes effect immediately if it receives
3-2 a vote of two-thirds of all the members elected to each house, as
3-3 provided by Section 39, Article III, Texas Constitution. If this
3-4 Act does not receive the vote necessary for immediate effect, this
3-5 Act takes effect September 1, 2011.

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