

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1579
By: Ogden
Finance
4/25/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1579 amends current law relating to state fiscal matters related to general government.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the attorney general in SECTION 4.03 (Section 402.0212, Government Code) and SECTION 4.04 (Section 371.051, Transportation Code) of this bill.

Rulemaking authority previously granted to the Commission on State Emergency Communications is modified in SECTION 11.03 (Section 777.009, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES GENERALLY

SECTION 1.01. Provides that this article applies to any state agency that receives an appropriation under Article I of the General Appropriations Act.

SECTION 1.02. Provides that, notwithstanding any other statute of this state, each state agency to which this article applies is authorized to reduce or recover expenditures by:

- (1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;
- (2) extending the effective period of any license, permit, or registration the agency grants or administers;
- (3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;
- (4) adopting additional eligibility requirements for persons who receive benefits under any law the agency administers to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are provided;
- (5) providing that any communication between the agency and another person and any document required to be delivered to or by the agency, including any application, notice, billing statement, receipt, or certificate, may be made or delivered by e-mail or through the Internet; and
- (6) adopting and collecting fees or charges to cover any costs the agency incurs in performing its lawful functions.

ARTICLE 2. FISCAL MATTERS REGARDING LEASING CERTAIN STATE FACILITIES

SECTION 2.01. Amends the heading to Section 2165.2035, Government Code, to read as follows:

Sec. 2165.2035. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; USE AFTER HOURS.

SECTION 2.02. Amends Subchapter E, Chapter 2165, Government Code, by adding Sections 2165.204, 2165.2045, and 2165.2046, as follows:

Sec. 2165.204. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS INDIVIDUAL PARKING SPACES. (a) Authorizes the Texas Facilities Commission (TFC) to lease to a private individual an individual parking space in a state-owned parking lot or garage located in the city of Austin that TFC determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Requires that money received from a lease under this section be deposited to the credit of the general revenue fund.

Sec. 2165.2045. LEASE OF SPACE IN STATE-OWNED PARKING LOTS AND GARAGES; EXCESS BLOCKS OF PARKING SPACE. (a) Authorizes TFC to lease to an institution of higher education or a local government all or a significant block of a state-owned parking lot or garage located in the city of Austin that TFC determines is not needed to accommodate the regular parking requirements of state employees who work near the lot or garage and visitors to nearby state government offices.

(b) Requires that money received from a lease under this section be deposited to the credit of the general revenue fund.

Sec. 2165.2046. REPORTS ON PARKING PROGRAMS. Requires TFC, on or before October 1 of each even-numbered year, to submit a report to the Legislative Budget Board (LBB) describing the effectiveness of parking programs developed by TFC under this subchapter. Requires that the report, at a minimum, include:

- (1) the yearly revenue generated by the programs;
- (2) the yearly administrative and enforcement costs of each program;
- (3) yearly usage statistics for each program; and
- (4) initiatives and suggestions by TFC to modify administration of the programs, and increase revenue generated by the programs.

SECTION 2.03. Effective date, this article: upon passage or September 1, 2011.

ARTICLE 3. FISCAL MATTERS RELATING TO SECRETARY OF STATE

SECTION 3.01. Amends Section 405.014, Government Code, as follows:

Sec. 405.014. ACTS OF THE LEGISLATURE. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Requires the secretary of state, as soon as practicable after the closing of each session of the legislature, to publish and maintain electronically the bills enacted at that session. Requires that the electronic publication be:

- (1) indexed by bill number and assigned chapter number for each bill; and
- (2) made available by an electronic link on the secretary of state's generally accessible Internet website.

SECTION 3.02. Repealer: Subchapter B (Contract for Printing Laws), Chapter 2158, Government Code.

SECTION 3.03. Provides that the change in law made by this article does not apply to a contract for the publication of the laws of this state entered into before the effective date of this article.

SECTION 3.04. Effective date, this article: upon passage or September 1, 2011.

ARTICLE 4. FISCAL MATTERS REGARDING ATTORNEY GENERAL

SECTION 4.01. Amends Section 402.006, Government Code, by adding Subsection (e) to authorize the attorney general to charge a reasonable fee for the electronic filing of a document.

SECTION 4.02. Amends the heading to Section 402.0212, Government Code, to read as follows:

Sec. 402.0212. PROVISION OF LEGAL SERVICES--OUTSIDE COUNSEL; FEES.

SECTION 4.03. Amends Section 402.0212, Government Code, by amending Subsections (b) and (c) and adding Subsections (d), (e), and (f), as follows:

(b) Requires an invoice submitted to a state agency under a contract for legal services as described by Subsection (a) (relating to a contract for legal services) to be reviewed by the attorney general to determine whether the invoice is eligible for payment.

(c) Requires an attorney or law firm to pay an administrative fee to the attorney general for the review described in Subsection (b) when entering into a contract to provide legal services to a state agency.

(d) Redesignates existing Subsection (b) as Subsection (d). Makes no further changes to this subsection.

(e) Redesignates existing Subsection (c) as Subsection (e). Makes no further changes to this subsection.

(f) Authorizes the attorney general to adopt rules as necessary to implement and administer this section.

SECTION 4.04. Amends Section 371.051, Transportation Code, as follows:

Sec. 371.051. New heading: ATTORNEY GENERAL REVIEW AND FEE. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Authorizes the attorney general to charge a toll project entity a reasonable fee for the review described in Subsection (a).

(c) Requires the toll project entity, if the toll project entity submits multiple proposed comprehensive development agreements relating to the same toll project for review, to pay the fee under Subsection (b) for each proposed comprehensive development agreement.

(d) Authorizes the toll project entity to collect or seek reimbursement of the fee under Subsection (b) from the private participant under the proposed comprehensive development agreement.

(e) Authorizes the attorney general to adopt rules necessary to implement and administer this section.

SECTION 4.05. Provides that the fee prescribed by Section 402.006 (Fees), Government Code, as amended by this article, applies only to a document electronically submitted to the office of the attorney general (OAG) on or after the effective date of this article.

SECTION 4.06. Provides that the fee prescribed by Section 402.0212, Government Code, as amended by this article, applies only to invoices for legal services submitted to OAG for review on or after the effective date of this article.

SECTION 4.07. Provides that the fee prescribed by Section 371.051, Transportation Code, as amended by this article, applies only to a comprehensive development agreement submitted to OAG on or after the effective date of this article.

SECTION 4.08. Makes application of the changes in law made by this article to a contract for legal services between a state agency and a private attorney or law firm, prospective.

SECTION 4.09. Effective date, this article: upon passage or September 1, 2011.

ARTICLE 5. TEXAS PRESERVATION TRUST FUND ACCOUNT

SECTION 5.01. Amends Sections 442.015(a), (b), and (f), Government Code, as follows:

(a) Provides that, notwithstanding Section 403.095 (Use of Dedicated Revenue), rather than Sections 403.094 and 403.095, the Texas preservation trust fund account is a separate account in the general revenue fund. Provides that the account consists of transfers made to the account, loan repayments, grants and donations made for the purposes of this program, proceeds of sales, income earned on money in the account, rather than earning on the account, and any other money received under this section. Authorizes money in the account to be used only for the purposes of this section and to pay operating expenses of the Texas Historical Commission (THC). Requires that income earned on money in the account, rather than earnings on the account, be deposited to the credit of the account. Deletes existing text authorizing distributions from the account to be used only for the purposes of this section and prohibits them from being used to pay operating expenses of THC.

(b) Authorizes THC to use money in, rather than distributions from, the Texas preservation trust fund account to provide financial assistance to public or private entities for the acquisition, survey, restoration, or preservation, or for planning and educational activities leading to the preservation, of historic property in the state that is listed in the National Register of Historic Places or designated as a State Archeological Landmark or Recorded Texas Historic Landmark, or that THC determines is eligible for such listing or designation.

(f) Requires the advisory board of THC to recommend to THC rules for administering this section, rather than administering Subsections (a), (b), (c) (relating to conditions for providing financial assistance), (d) (relating to the composition of an advisory board for THC), and (e) (relating to members of the advisory board of the Texas preservation account).

SECTION 5.02. Repealers: Sections 442.015(h) (relating to management of the assets of the Texas preservation trust fund account), (i) (relating to the distribution of the account), (j) (relating to limits on the annual distribution of the account), (k) (relating to the expenses of managing account investments), and (l) (relating to disclosing all details concerning investments of the account), Government Code.

SECTION 5.03. Requires the comptroller of public accounts (comptroller) and the THC to enter into a memorandum of understanding to facilitate the conversion of assets of the Texas preservation trust fund account into cash for deposit into the state treasury using a method that provides for the lowest amount of revenue loss to the state.

SECTION 5.04. Effective date, this article: November 1, 2011.

ARTICLE 6. FISCAL MATTERS CONCERNING INFORMATION TECHNOLOGY

SECTION 6.01. Amends Section 2054.380, Government Code, as follows:

Sec. 2054.380. FEES. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Authorizes revenue derived from the collection of fees imposed under Subsection (a) to be appropriated to the Department of Information Resources (DIR) for:

(1) developing statewide information resources technology policies and planning under this chapter and Chapter 2059 (Texas Computer Network Security System); and

(2) providing shared information resources technology services under this chapter.

SECTION 6.02. Amends Section 2157.068(d), Government Code, to authorize revenue derived from the collection of fees imposed under this subsection to be appropriated to DIR for developing statewide information resources technology policies under Chapters 2054 and 2059, and providing shared information resources technology services under Chapter 2054.

SECTION 6.03. Amends Sections 2170.057(a) and (d), Government Code, as follows:

(a) Requires DIR to set and charge a fee to each entity that receives services provided under this chapter in an amount sufficient to cover the direct and indirect costs of providing the service. Authorizes revenue derived from the collection of fees imposed under this subsection to be appropriated to DIR for:

(1) developing statewide information resources technology policies and planning under Chapters 2054 and 2059; and

(2) providing shared information resources technology services under Chapter 2054, and network security services under Chapter 2059.

(d) Requires DIR to certify amounts that exceed this amount to the comptroller, and requires the comptroller to transfer the excess amounts to the credit of the general revenue fund, rather than the statewide network applications account established by Section 2054.011 (Statewide Network Applications Account). Authorizes the amounts transferred under this subsection to be appropriated to DIR for the purposes described by Subsections (a)(1) and (2).

SECTION 6.04. Effective date, this article: upon passage or September 1, 2011.

ARTICLE 7. HANDLING FEES IMPOSED BY COMPTROLLER FOR PROCESSING UNCLAIMED PROPERTY

SECTION 7.01. Amends Section 74.509, Property Code, as follows:

Sec. 74.509. HANDLING FEE FOR PROCESSING UNCLAIMED PROPERTY.

(a) Requires the comptroller to deduct from each approved claim a handling fee of 10 percent of the amount of the claim and retain the fee in the general revenue fund if the approved claim is at least \$100. Deletes existing text authorizing a handling fee to be deducted from the amount of the claim payment if the payment is at least \$100.

(b) Authorizes the comptroller, subject to legislative appropriation, to use the retained handling fees to pay the costs to process unclaimed property claims.

ARTICLE 8. STATE BAR OF TEXAS MEMBERSHIP DUES FOR ATTORNEY
EMPLOYED BY ATTORNEY GENERAL

SECTION 8.01. Amends Section 81.054, Government Code, by adding Subsections (m) and (n), as follows:

(m) Provides that a member is not required to pay a membership fee for a year in which the member is employed as a full-time attorney by the office of the attorney general.

(n) Requires the state bar to adopt rules governing the proration of a membership fee paid by an attorney who is not employed by the office of the attorney general for an entire year.

SECTION 8.02. Makes application of Subsections (m) and (n), Section 81.054, Government Code, as added by this article, prospective.

ARTICLE 9. REGISTRATION FEE AND REGISTRATION RENEWAL FEE FOR
LOBBYISTS

SECTION 9.01. Amends Section 305.005(c), Government Code, as follows:

(c) Provides that the registration fee and registration renewal fee are:

(1) an amount prescribed by the General Appropriations Act of not more than \$200 and not less than \$100 for a registrant employed by an organization exempt from federal income tax under Section 501(c)(3) or 501(c)(4), Internal Revenue Code of 1986;

(2) an amount prescribed by the General Appropriations Act of not more than \$100 and not less than \$50 for any person required to register solely because the person is required to register under Section 305.0041; or

(3) an amount prescribed by the General Appropriations Act of not more than \$1,000 and not less than \$500 for any other registrant.

Makes a nonsubstantive change.

ARTICLE 10. ASSESSMENT OF FEE ON CERTAIN PUBLIC EMPLOYEES WHO USE
TOBACCO

SECTION 10.01. Amends Subchapter G, Chapter 1551, Insurance Code, by adding Section 1551.3075, as follows:

Sec. 1551.3075. TOBACCO USER FEE. (a) Requires the board of trustees of the Employees Retirement System of Texas (board of trustees) to assess each participant in a health benefit plan provided under the group benefits program who uses one or more tobacco products a tobacco user fee, to be paid in monthly installments. Requires the board of trustees, except as provided by Subsection (b), to determine the amount of the monthly installments of the fee.

(b) Requires the board of trustees, if the General Appropriations Act for a state fiscal biennium sets the amount of the monthly installments of the tobacco user fee for that biennium, to assess the fee during that biennium in the amount prescribed by the General Appropriations Act.

SECTION 10.02. Amends Section 1551.314, Insurance Code, as follows:

Sec. 1551.314. CERTAIN STATE CONTRIBUTIONS PROHIBITED. Prohibits a state contribution from being:

(1) made for coverages under this chapter selected by an individual who receives a state contribution, other than as a spouse, dependent, or beneficiary, for coverages under a group benefits program provided by an institution of higher education, as defined by Section 61.003, Education Code; or

(2) made for or used to pay a tobacco user fee assessed under Section 1551.3075.

SECTION 10.03. Requires the board of trustees to implement the tobacco user fee required under Section 1551.3075, Insurance Code, as added by this article, not later than January 1, 2012.

ARTICLE 11. CONSOLIDATION OF REGIONAL POISON CONTROL CENTERS INTO TEXAS POISON CONTROL CENTER

SECTION 11.01. Amends the heading to Chapter 777, Health and Safety Code, to read as follows:

CHAPTER 777. TEXAS POISON CONTROL CENTER

SECTION 11.02. Amends Sections 777.001 through 777.008, Health and Safety Code, as follows:

Sec. 777.001. New heading: TEXAS POISON CONTROL CENTER. (a) Defines, in this chapter, "center" and "coordinating committee."

(b) Establishes the Texas Poison Control Center (center). Provides that the coordinating committee is required to determine a geographical location in this state for the center and is authorized to designate one or more medical facilities in this state to be affiliated with the center.

(c) Requires the center to coordinate poison control activities in this state. Authorizes the Commission on State Emergency Communications (CSEC) to adopt rules permitting the center to provide appropriate services throughout this state. Deletes existing Subsection (a) relating to designating six regional centers for poison control. Deletes existing Subsection (b) requiring the poison control centers to coordinate poison control activities within the designated health and human services regions for the state, and relating to CSEC adopting rules designating the region for each poison control center. Deletes existing Subsection (c) authorizing CSEC to vote to designate a seventh regional or satellite poison control center in Harris County, and providing that that poison control center is subject to all provisions of this chapter and other law relating to regional poison control centers.

Sec. 777.002. TELEPHONE SERVICES. (a) Requires the center, rather than a poison control center established by this chapter, to provide a 24-hour toll-free telephone referral and information service for the public and health care professionals according to the requirements of the American Association of Poison Control Centers.

(b) Requires each public safety answering point, as that term is defined by Section 771.001, to have direct telephone access to the center, rather than to at least one poison control center. Makes conforming changes.

(c) Makes conforming changes.

Sec. 777.003. COMMUNITY PROGRAMS AND ASSISTANCE. (a) Requires the center, rather than a poison control center, to provide:

(1) community education programs on poison prevention methods to inform the public, such as presentations to persons attending a primary or

secondary school, a parent-teacher association meeting, an employee safety meeting at an industrial company, or other interested groups;

(2) information and education to health professionals involved in the management of poison and overdose victims, including information regarding appropriate therapeutic use of medications, their compatibility and stability, and adverse drug reactions and interactions;

(3) professional and technical assistance to state agencies requesting toxicologic assistance; and

(4) consultation services concerning medical toxicology, for which a fee may be charged in an amount set by the institution in which the center is located to cover the costs of the service.

(b) Requires the center to develop an objective evaluation process for community education programs on poison prevention methods provided under Subsection (a)(1) and use the evaluation process to design and update as necessary a standardized program model for use throughout this state.

Sec. 777.004. STAFF. Makes conforming changes.

Sec. 777.005. RESEARCH PROGRAMS. Makes conforming changes.

Sec. 777.006. INFORMATION AT BIRTH. Makes a conforming change.

Sec. 777.007. STATE LIABILITY. Makes conforming changes.

Sec. 777.008. COORDINATING COMMITTEE. (a) Requires the coordinating committee on poison control to coordinate the activities of the center, rather than of the regional poison control centers designated under Section 777.001(a), and advise CSEC.

(b) Makes conforming and nonsubstantive changes.

SECTION 11.03. Amends Sections 777.009(a) and (b), Health and Safety Code, as follows:

(a) Makes a conforming change.

(b) Requires that the rules require the agency to consider:

(1) the need, rather than the need of the region based on population served, for poison control services in this state and the extent to which the grant would meet the identified need;

(2) the assurance of providing quality services;

(3) the availability of other funding sources;

(4) achieving or maintaining certification as a poison control center with the American Association of Poison Control Centers;

(5) maintenance of effort; and

(6) the development or existence of telecommunications systems.

SECTION 11.04. Amends the heading to Section 777.010, Health and Safety Code, to read as follows:

Sec. 777.010. OUT-OF-STATE SERVICES; SERVICES FOR PRIVATE ENTITIES.

SECTION 11.05. Amends Sections 777.010(b) and (c), Health and Safety Code, as follows:

(b) Requires CSEC to contract with the center, rather than with one or more regional poison control centers, to provide the services required under a contract entered into under Subsection (a). Prohibits CSEC from entering into a contract under this subsection if, in the opinion of CSEC, the center's performance, rather than the regional poison control center's performance, of the contract would result in a diminishment in the services provided in this state, rather than in the region.

(c) Makes conforming changes.

SECTION 11.06. Amends Section 777.011, Health and Safety Code, as follows:

Sec. 777.011. New heading: POISON CONTROL SERVICES ACCOUNT. Provides that the poison control services account, rather than the regional poison control services account, is an account in the general revenue fund.

SECTION 11.07. Amends Sections 777.012(b) and (c), Health and Safety Code, to make conforming changes.

SECTION 11.08. Amends Sections 777.013(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 11.09. Amends Section 241.153, Health and Safety Code, to make a conforming change.

SECTION 11.10. Amends Section 771.051(a), Health and Safety Code, to make a conforming change.

SECTION 11.11. Amends Sections 771.072(e) and (f), Health and Safety Code, to make conforming changes.

SECTION 11.12. Amends Section 153.015, Occupations Code, to require the Texas Medical Board to provide to license holders information regarding the services provided by the Texas Poison Control Center, rather than by the poison control centers.

SECTION 11.13. Amends Section 202.161, Occupations Code, to require the Texas State Board of Podiatric Medical Examiners to provide to license holders information regarding the services provided by the Texas Poison Control Center, rather than by the poison control centers.

SECTION 11.14. Amends Section 254.017, Occupations Code, to require the State Board of Dental Examiners to provide to license holders information regarding the services provided by the Texas Poison Control Center, rather than by the poison control centers.

SECTION 11.15. Amends Section 301.1582, Occupations Code, to require the Texas Board of Nursing to provide to license holders information regarding the services provided by the Texas Poison Control Center, rather than by the poison control centers.

SECTION 11.16. Amends Section 351.167, Occupations Code, to require the Texas Optometry Board to provide to license holders information regarding the services provided by the Texas Poison Control Center, rather than by the poison control centers.

SECTION 11.17. Amends Section 554.015, Occupations Code, to require the Texas State Board of Pharmacy to provide to license holders information regarding the services provided by the Texas Poison Control Center, rather than by the poison control centers.

SECTION 11.18. (a) Requires CSEC, not later than March 1, 2012, to consolidate the six regional poison control centers in this state into and establish the Texas Poison Control Center, as required by Section 777.001, Health and Safety Code, as amended by this article, at the geographical location determined by the coordinating committee on poison control. Provides

that on that date, the regional poison control centers are abolished and the powers, duties, obligations, rights, contracts, records, personnel, property, and unspent appropriations of the six regional poison control centers in this state are transferred to the Texas Poison Control Center.

(b) Provides that the rules of the regional poison control centers in this state are continued in effect as rules of the Texas Poison Control Center until superseded by rule.

(c) Provides that, notwithstanding the changes in law made by this article, until the date the commission consolidates the six regional poison control centers as provided by this section, the regional poison control centers shall continue to operate and provide services under the law that governed the centers before the effective date of this Act, and the prior law is continued in effect for that purpose.

(d) Requires the chief executive officer of the center, as soon as practicable after the date the Texas Poison Control Center is established as provided by this section, to appoint six members who represent the center to the coordinating committee on poison control established by Section 777.008, Health and Safety Code, as amended by this article. Requires the members serving on the coordinating committee as representatives of the six regional poison control centers immediately before the effective date of this Act to continue to serve on the coordinating committee until the date the chief executive officer appoints members who represent the center as required by this subsection.

SECTION 11.19. (a) Requires the coordinating committee on poison control established by Section 777.008, Health and Safety Code, as amended by this article, not later than March 1, 2012, to determine a geographical location for the Texas Poison Control Center, as required by Subsection (b), Section 777.001, Health and Safety Code, as amended by this article.

(b) Requires the Texas Poison Control Center established under Section 777.001, Health and Safety Code, as amended by this article, not later than March 1, 2013, to design the initial standardized program model for community education programs as required by Subsection (b), Section 777.003, Health and Safety Code, as added by this article.

ARTICLE 12. AUTHORIZED USES FOR CERTAIN DEDICATED PERMANENT FUNDS IN STATE TREASURY

SECTION 12.01. Amends Section 403.105, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Prohibits money in the Permanent Fund for Health and Tobacco Education and Enforcement, except as provided by Subsections (b-1), (c), (e), (f), and (h), from being appropriated for any purpose.

(b-1) Authorizes the legislature to appropriate money in the Permanent Fund for Health and Tobacco Education and Enforcement, including the available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. Provides that this subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION 12.02. Amends Section 403.1055, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Prohibits money in the Permanent Fund for Children and Public Health, except as provided by Subsections (b-1), (c), (e), (f), and (h), from being appropriated for any purpose.

(b-1) Authorizes the legislature to appropriate money in the Permanent Fund for Children and Public Health, including the available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the

purposes of Section 67, Article III, Texas Constitution. Provides that this subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION 12.03. Amends Section 403.106, Government Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Prohibits money in the Permanent Fund for Emergency Medical Services and Trauma Care, except as provided by Subsections (b-1), (c), (e), (f), and (h), from being appropriated for any purpose.

(b-1) Authorizes the legislature to appropriate money in the Permanent Fund for Emergency Medical Services and Trauma Care, including the available earnings of the fund determined under Section 403.1068, to pay the principal of or interest on a bond issued for the purposes of Section 67, Article III, Texas Constitution. Provides that this subsection does not authorize the appropriation under this subsection of money subject to a limitation or requirement as described by Subsection (e) that is not consistent with the use of the money in accordance with this subsection.

SECTION 12.04. Effective date, this article: upon passage or September 1, 2011.

ARTICLE 13. USE OF TEXAS ENTERPRISE FUND FOR TEXAS HOMELESS HOUSING AND SERVICES PROGRAM

SECTION 13.01. Amends Section 481.078, Government Code, by amending Subsection (c) and adding Subsection (d-1), as follows:

(c) Authorizes the Texas Enterprise Fund, except as provided by Subsections (d) and (d-1), rather than by Subsection (d), to be used only for economic development, infrastructure development, community development, job training programs, and business incentives.

(d-1) Authorizes the Texas Enterprise Fund to be used for the Texas homeless housing and services program administered by the Texas Department of Housing and Community Affairs. Provides that Subsections (e-1), (f), (g), (h), (i), and (j) and Section 481.080 do not apply to a grant awarded for a purpose specified by this subsection.

SECTION 13.02. Amends Section 481.079, Government Code, by adding Subsection (a-1) to require that the report, for grants awarded for a purpose specified by Section 481.078(d-1), include only the amount and purpose of each grant.

SECTION 13.03. Effective date, this article: September 1, 2011.

ARTICLE 14. DEBT ISSUANCE AUTHORITY OF AND FUNDING FOR CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS

SECTION 14.01. Amends Subchapter C, Chapter 1232, Government Code, by adding Section 1232.1221, as follows:

Sec. 1232.1221. COMMENCEMENT OF CERTAIN MULTIYEAR CANCER-RELATED PROJECTS. (a) Authorizes funds to be distributed to a grant recipient for a multiyear project for which an award is granted by the Cancer Prevention and Research Institute of Texas Oversight Committee (CPRIT; oversight committee) as authorized by Section 102.257, Health and Safety Code, after the authority has certified that obligations in an amount sufficient to pay the money needed to fund the project have been authorized for issuance by the authority and approved by the Bond Review Board.

(b) Requires the board of directors of the Texas Public Finance Authority, after issuing the obligations, to:

- (1) pay the costs of the issuance and any related bond administrative costs of the authority;
- (2) certify to CPRIT and to the comptroller that the proceeds from the issuance are available; and
- (3) deposit the proceeds into the state treasury to be credited to the account of CPRIT.

SECTION 14.02. Amends Sections 102.201(b) and (c), Health and Safety Code, as follows:

(b) Provides that the cancer prevention and research fund (fund) consists of:

- (1) patent, royalty, and license fees and other income received under a contract entered into as provided by Section 102.255;
- (2) appropriations of money to the fund by the legislature, except that the appropriated money may not include the proceeds from the issuance of bonds authorized by Section 67, Article III, Texas Constitution;
- (3) gifts, grants, including grants from the federal government, and other donations received for the fund; and
- (4) interest earned on the investment of money in the fund.

(c) Authorizes the fund to be used only to pay for:

- (1) grants for cancer research and for cancer research facilities in this state to realize therapies, protocols, and medical procedures for the cure or substantial mitigation of all types of cancer in humans;
- (2) the purchase, subject to approval by the institute, of laboratory facilities by or on behalf of a state agency or grant recipient;
- (3) grants to public or private persons to implement the Texas Cancer Plan;
- (4) the operation of the institute;
- (5) grants for cancer prevention and control programs in this state to mitigate the incidence of all types of cancer in humans; and
- (6) debt service on bonds issued as authorized by Section 67, Article III, Texas Constitution.

SECTION 14.03. Amends Section 102.257, Health and Safety Code, as follows:

Sec. 102.257. MULTIYEAR PROJECTS. Requires the oversight committee to specify the total amount of money approved to fund the multiyear project. Provides that the total amount specified is considered for purposes of Section 102.253 to have been awarded in the state fiscal year that the project is approved by the research and prevention programs committee. Authorizes CPRIT to maintain the remaining money needed in each subsequent fiscal year in an escrow account to be distributed by CPRIT as the money is needed. Deletes existing text requiring that all the money needed to fund a multiyear project be awarded in the state fiscal year that the project is approved by the research and prevention programs committee. Deletes existing text requiring that the remaining money be maintained in an escrow account to be distributed by CPRIT in subsequent years of the project.

SECTION 14.04. Makes application of the changes in law made by this article to a grant of funds for a multiyear project by the oversight committee as authorized by Section 102.257, Health and Safety Code, as amended by this article, prospective to June 1, 2011.

SECTION 14.05. Effective date, this article: upon passage or September 1, 2011.

ARTICLE 15. EFFECTIVE DATE

SECTION 15.01. Effective date, except as otherwise provided by this Act: September 1, 2011.