

BILL ANALYSIS

Senate Research Center
82R22006 KYF-D

C.S.S.B. 1799
By: West
Higher Education
4/13/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1799 amends current law relating to the student loan program administered by the Texas Higher Education Coordinating Board and authorizes the issuance of bonds.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52.01, Education Code, as follows:

Sec. 52.01. ADMINISTRATION. Requires the Texas Higher Education Coordinating Board (THECB), or its successors, to administer the student loan program authorized by this chapter pursuant to Sections 50b-4 (Additional Student Loans), 50b-5 (Additional Student Loans), 50b-6 (Additional Student Loans), and 50b-7, Article III (Legislative Department), Texas Constitution, and any former provision of the Texas Constitution authorizing bonds to finance educational loans to students. Requires that personnel and other expenses required to properly administer this chapter be funded by certain sources. Makes a nonsubstantive change.

SECTION 2. Amends Section 52.501(4), Education Code, to redefine "bond."

SECTION 3. Amends Section 52.81(2), Education Code, to redefine "bond."

SECTION 4. Amends Sections 52.82(a) and (d), Education Code, as follows:

(a) Authorizes THECB by resolution to authorize the issuance of general obligation bonds. Requires that the principal amount of outstanding bonds issued under this section at all times be equal to or less than the amount provided by Section 50b-7, Article III, Texas Constitution. Deletes existing text authorizing THECB by resolution to authorize the issuance of general obligation bonds in total aggregate amounts not to exceed \$300 million under former Section 50b-3, Article III, Texas Constitution, \$300 million under Section 50b-4, Article III, Texas Constitution; \$400 million under Section 50b-5, Article III, Texas Constitution; and \$500 million under Section 50b-6, Article III, Texas Constitution.

(d) Prohibits the total amount of bonds issued by THECB in a state fiscal year from exceeding \$350 million, rather than \$125 million.

SECTION 5. Amends Section 52.87, Education Code, as follows:

Sec. 52.87. MANDAMUS. Provides that the performance of official duties prescribed by this subchapter and by former Section 50b-3 and Sections 50b-4, 50b-5, 50b-6, and 50b-7, rather than Sections 50b-4, 50b-5, and 50b-6, Article III, Texas Constitution, in reference to the payment of the bonds, may be enforced in a court of competent jurisdiction by mandamus or other appropriate proceedings.

SECTION 6. Effective date: the date on which the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, providing for the issuance general obligation bonds to finance educational loans to students.