

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/29/09

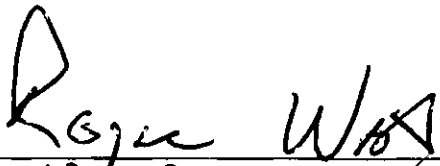
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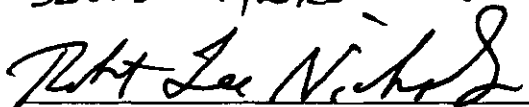
Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives


Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 4275 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

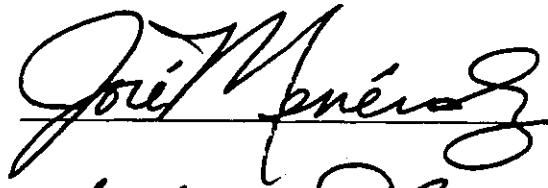
  
\_\_\_\_\_  
SEN. WEST, ROYCE

  
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SEN. ROBERT NICHOLS

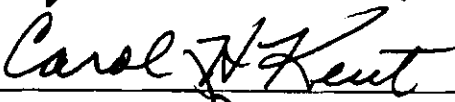
  
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SEN. ELIOT SHAPLEIGH

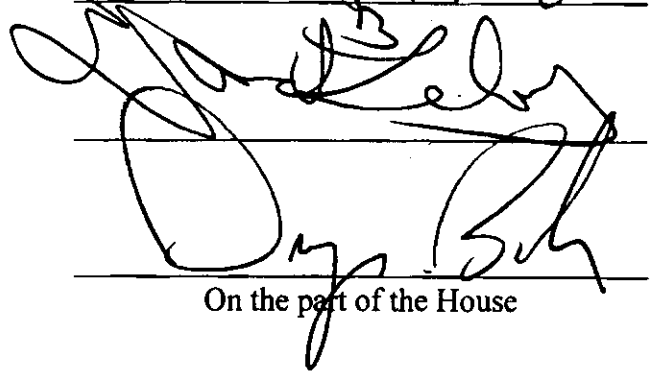
SEN. JOHN WHITMIRE  
  
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On the part of the Senate  
SEN. TOMM WILLIAMS

  
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On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 4275

A BILL TO BE ENTITLED

AN ACT

relating to the application process and scoring for the low income housing tax credit program.

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

SECTION 1. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.6736 to read as follows:

Sec. 2306.6736. LOW INCOME HOUSING TAX CREDITS FINANCED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009. (a) To the extent the department receives federal funds under the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) or any subsequent law (including any extension or renewal thereof) that requires the department to award the federal funds in the same manner and subject to the same limitations as awards of housing tax credits, the following provisions shall apply.

(b) Any reference in this chapter to the administration of the housing tax credit program shall apply equally to the administration of such federal funds, except:

(1) the department may establish a separate application procedure for such funds, outside of the uniform application cycle referred to in Section 2306.1111 and the deadlines established in Section 2306.6724, and any reference herein to the application period shall refer to the period beginning on the date the department begins accepting applications for such funds and continuing until all such available funds are

1 awarded;

2 (2) unless reauthorized, this section is repealed on  
3 August 31, 2011.

4 SECTION 2. Subchapter DD, Chapter 2306, Government Code, is  
5 amended by adding Section 2306.6737 to read as follows:

6 Sec. 2306.6737. ASSISTANCE FROM AMERICAN RECOVERY AND  
7 REINVESTMENT ACT OF 2009. If allowed by federal law, the department  
8 shall, under any federally funded program resulting from the  
9 American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5),  
10 secure the interests of the state through bonds, an ownership  
11 interest in property, restrictive covenants filed in the real  
12 property records, and/or liens filed on a property for which the  
13 applicant has accepted funds until such a time as the department and  
14 the State of Texas do not have liability to repay or recapture such  
15 funds.

16 SECTION 3. It is the intent of the legislature that the  
17 passage by the 81st Legislature, Regular Session, 2009, of another  
18 bill that amends Chapter 2306, Government Code, and the amendments  
19 made by this Act shall be harmonized, if possible, as provided by  
20 Section 311.025(b), Government Code, so that effect may be given to  
21 each. If the amendments made by this Act to Chapter 2306,  
22 Government Code, and the amendments made to Chapter 2306,  
23 Government Code, by any other bill are irreconcilable, it is the  
24 intent of the legislature that this Act prevail, regardless of the  
25 relative dates of enactment of this Act and the other bill or bills,  
26 but only to the extent that any differences are irreconcilable.

27 SECTION 4. The changes in law made by this Act relating to

1 the evaluation of applications for financial assistance  
2 administered by the Texas Department of Housing and Community  
3 Affairs apply only to an application submitted on or after the  
4 effective date of this Act. An application submitted before the  
5 effective date of this Act is governed by the law in effect when the  
6 application was submitted, and the former law is continued in  
7 effect for that purpose.

8 SECTION 5. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2009.

**House Bill 4275**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION	CONFERENCE
No equivalent provision.	SECTION __. Section 2306.6710(b), Government Code, is amended.	Same as House version.
No equivalent provision.	SECTION __. Sections 2306.6710(f) and 2306.67189(b), Government Code, are repealed.	Same as House version.
SECTION 1. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.6736.	SECTION 1. Same as House version.	SECTION 1. Same as House version.
SECTION 2. Subchapter DD, Chapter 2306, Government Code, is amended by adding Section 2306.6737.	SECTION 2. Same as House version.	SECTION 2. Same as House version.
SECTION 3. Administrative provision establishing intent with regard to conflicting enactments.	SECTION 3. Same as House version.	SECTION 3. Same as House version.
SECTION 4. Saving provision.	SECTION 4. Same as House version.	SECTION 4. Same as House version.
SECTION 5. Effective date.	SECTION 5. Same as House version.	SECTION 5. Same as House version.
No equivalent provision.	SECTION __. (a) Chapter 171, Tax Code, is amended by adding Subchapter J-1, relating to credit for business development in low-income communities. (b) Subtitle B, Title 3, Insurance Code, is amended by adding Chapter 231, relating to credit for business development in low-income communities. (c) This section applies only to a report originally due on or after the effective date of this section.	Same as House version.

**House Bill 4275**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

**SENATE VERSION**

**CONFERENCE**

(d) A taxable entity or other entity may claim the credit under Subchapter J-1, Chapter 171, Tax Code, or Chapter 231, Insurance Code, as added by this section, only in relation to a qualified equity investment issued on or after the effective date of this section.

(e) Notwithstanding any other provision of this Act, this section takes effect January 1, 2010.

No equivalent provision.

SECTION \_\_. Chapter 2306, Government Code, is amended by adding Subchapter OO, relating to Texas savvy homeowner program.

Same as House version.

No equivalent provision.

SECTION \_\_. The Texas Department of Housing and Community Affairs shall adopt any rules required by Subchapter OO, Chapter 2306, Government Code, as added by this Act, not later than December 1, 2009.

Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives**

**FROM: John S. O'Brien, Director, Legislative Budget Board**

**IN RE: HB4275 by Menendez (Relating to the application process and scoring for the low income housing tax credit program.), Conference Committee Report**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff: JOB, DB**