

CHAPTER 2

S.B. No. 171

AN ACT

relating to the issuance of general obligation bonds for projects relating to state prisons and to an emergency appropriation to the Texas Department of Criminal Justice for the operation of state prisons and intermediate sanction facilities, discretionary grants, and payments to counties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) From the unissued balance of general obligation bonds that are authorized under Article III, Section 49-h, of the Texas Constitution, the Texas Public Finance Authority shall issue bonds in the amount of \$125 million and distribute the proceeds for the purposes specified in the emergency appropriation for the Texas Department of Criminal Justice made by Subsection (b) of Section 2 of this Act.

(b) From the unissued balance of general obligation bonds that are authorized under Article III, Section 49-h, of the Texas Constitution, the Texas Public Finance Authority shall make a good faith effort to award to minority-owned businesses in the issuance of at least 20 percent of the issuance costs bonds.

(c) The Texas Department of Criminal Justice which will engage in acquiring, constructing, or equipping new prisons as a result of the issuance of these bonds shall make a good faith effort to include minority-owned businesses in at least 20 percent of the total value of construction contracts awarded.

(d) The executive director of the Texas Public Finance Authority and the Texas Department of Criminal Justice shall report to the governor and the legislature at the end of each fiscal year on the total number and dollar amount of awards to minority-owned businesses under this section. The annual report must include:

(1) the number of businesses participating in bond issuances under the general obligation bonds;

(2) the number of businesses used in acquiring, constructing, or equipping new prisons as a result of contract awards;

(3) the number of minority-owned businesses submitting bids and/or proposals for the issuance of bonds from the general obligation bonds; and

(4) the number of minority-owned businesses submitting bids and/or proposals for the acquiring, constructing, or equipping of new prisons contract awards.

(e) In this section, "minority-owned business" means a business entity at least 51 percent of which is owned by minority group members or, in the case of a corporation, at least 51 percent of the shares of which are owned by minority group members and that is managed and, in daily operations, is controlled by minority group members.

(f) In this section, "minority group members" include:

(1) African-Americans;

(2) American Indians;

(3) Asian-Americans; and

(4) Mexican-Americans and other Americans of Hispanic origin.

SECTION 2. (a) In this section, "current General Appropriations Act" means House Bill No. 1, Acts of the 72nd Legislature, 1st Called Session, 1991.

(b) In addition to amounts previously appropriated under the current General Appropriations Act or other law for the current fiscal biennium, the sum of \$125 million is appropriated to the Texas Department of Criminal Justice from the proceeds of the issuance of bonds previously authorized under Article III, Section 49-h, of the Texas Constitution for the two-year period beginning on the date the proceeds are available:

(1) for the payment of expenses incurred in acquiring, constructing, or equipping new prisons; and

(2) to repay items of appropriation in the current General Appropriations Act or Article 22, Chapter 10, Acts of the 72nd Legislature, 2nd Called Session, 1991, from which funds were transferred or expended for start-up expenses incurred in acquiring, constructing, or equipping new prisons.

(c) In addition to amounts previously appropriated under the current General Appropriations Act or other law for the current fiscal biennium, the sum of \$125.8 million is appropriated to the Texas Department of Criminal Justice from the economic stabilization fund for the period beginning on the effective date of this Act and ending on August 31, 1993, for:

(1) the operation of additional capacity;

(2) the operation of intermediate sanction facilities;

(3) discretionary grants;

(4) payments to counties in the manner provided by Subdivision (1), Subsection (a), Section 22.01, Chapter 10, Acts of the 72nd Legislature, 2nd Called Session, 1991, and court-ordered payments to counties; and

(5) repayment of items of appropriation in the current General Appropriations Act or Article 22, Chapter 10, Acts of the 72nd Legislature, 2nd Called Session, 1991, from which funds were transferred or expended for the payment of expenses incurred for the purposes listed in Subdivisions (1) through (4) of this subsection.

SECTION 3. If at any time after the effective date of this Act and before May 31, 1993, the attorney general determines that the Texas Department of Criminal Justice is not required to make court-ordered payments for fines for which funds are appropriated to the department by Subdivision (4) of Subsection (c) of Section 2 of this Act, the attorney general shall notify the comptroller of public accounts of that fact. On notification by the attorney general: (1) the amount appropriated under Subsection (c) of Section 2 of this Act is reduced by \$18.6 million; (2) the appropriations from general revenue made to the Texas Department of Criminal Justice by H.B. No. 1, Acts of the 72nd Legislature, 1st Called Session, 1992, for

item 4.b., security, is reduced by \$18.6 million; and (3) there is appropriated from the economic stabilization fund to the Texas Department of Criminal Justice, in addition to other amounts appropriated for this biennium, the sum of \$18.6 million for security.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 1, 1993: Yeas 29, Nays 0; Senate concurred in House amendments on February 15, 1993: Yeas 30, Nays 1; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas; passed the House, with amendments, on February 11, 1993: Yeas 136, Nays 4, one present not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of Texas.

Approved February 23, 1993.

Effective Feb. 23, 1993.