

Suspending limitations on conference committee  
jurisdiction, H.B. No. 7 (Swinford/Ogden)

By: Swinford

H.R. No. 344

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 78th Legislature, 3rd Called Session, 2003, That House Rule  
3 13, Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Bill 7, relating to the  
6 reorganization of, efficiency in, and other reform measures  
7 applying to governmental entities and certain regulatory  
8 practices, to consider and take action on the following matters:

9 (1) House Rule 13, Sections 9(a)(3) and (4), are suspended  
10 to permit the committee to add a new article to the bill to read as  
11 follows:

12 ARTICLE \_\_. FINANCIAL DISCLOSURE FOR BOARDS OF TRUSTEES OF  
13 CERTAIN SCHOOL DISTRICTS

14 SECTION \_\_.01. Section 11.064, Education Code, as added by  
15 Chapter 249, Acts of the 78th Legislature, Regular Session, 2003,  
16 is amended by amending Subsections (a) and (c) and adding  
17 Subsections (a-1), (a-2), (a-3), and (a-4) to read as follows:

18 (a) The board of trustees [~~A trustee~~] of an independent  
19 school district by resolution adopted by majority vote may require  
20 each member of the board to [~~with an enrollment of at least 5,000~~  
21 ~~students shall~~] file the financial statement required of state  
22 officers under Subchapter B, Chapter 572, Government Code, with:

23 (1) the board of trustees; and

24 (2) the Texas Ethics Commission.

1       (a-1) Not later than the 15th day after the date a board of  
2 trustees adopts a resolution under Subsection (a), the board shall  
3 deliver a certified copy of the resolution to the Texas Ethics  
4 Commission.

5       (a-2) A resolution adopted under Subsection (a) applies  
6 beginning on January 1 of the second year following the year in  
7 which the resolution is adopted. A member of a board of trustees  
8 that has adopted a resolution under Subsection (a) is not required  
9 to include, in a financial disclosure statement under this section,  
10 financial activity occurring before January 1 of the year following  
11 the year in which the resolution is adopted.

12       (a-3) The commissioner by order shall require the members of  
13 the board of trustees of an independent school district to file the  
14 financial statement required of state officers under Subchapter B,  
15 Chapter 572, Government Code, in the same manner as the members of a  
16 board of trustees that have adopted a resolution under Subsection  
17 (a) if the commissioner determines that:

18               (1) a board member has failed to comply with filing and  
19 recusal requirements applicable to the member under Chapter 171,  
20 Local Government Code;

21               (2) the district financial accounting practices are  
22 not adequate to safeguard state and district funds; or

23               (3) the district has not met a standard set by the  
24 commissioner in the financial accountability rating system.

25       (a-4) The commissioner may require filing financial  
26 statements under Subsection (a-3) covering not more than three  
27 fiscal years and beginning on January 1 of the second year following

1 the date of the commissioner's order. A member of a board of  
2 trustees subject to an order issued under Subsection (a-3) is not  
3 required to include, in a financial disclosure statement subject to  
4 this section, financial activity occurring before January 1 of the  
5 year following the year in which the order is issued. The  
6 commissioner may renew the requirement if the commissioner  
7 determines that a condition described by Subsection (c) continues  
8 to exist.

9 (c) A trustee serving in a school district that has adopted  
10 a resolution under Subsection (a) or that is subject to an order  
11 issued under Subsection (a-3) [~~subject to this section~~] commits an  
12 offense if the trustee fails to file the statement required by the  
13 resolution or order [~~this section~~]. An offense under this section  
14 is a Class B misdemeanor.

15 SECTION \_\_.02. Section 6.08, Chapter 249, Acts of the 78th  
16 Legislature, Regular Session, 2003, is repealed.

17 SECTION \_\_.03. This article takes effect immediately if  
18 this Act receives a vote of two-thirds of all the members elected to  
19 each house, as provided by Section 39, Article III, Texas  
20 Constitution. If this Act does not receive the vote necessary for  
21 immediate effect, this article takes effect on the 91st day after  
22 the last day of the legislative session.

23 Explanation: It is necessary to add this article to add  
24 changes regarding ethics issues for members of the boards of  
25 trustees of certain independent school districts.

26 (2) House Rule 13, Sections 9(a)(3) and (4), are suspended  
27 to permit the committee to add a new article to the bill to read as

1 follows:

2 ARTICLE \_\_. JUDICIAL DISTRICTS

3 SECTION \_\_.01. Section 10, Chapter 1306, Acts of the 78th  
4 Legislature, Regular Session, 2003, is amended by amending  
5 Subsection (c) and adding Subsection (d) to read as follows:

6 (c) The [~~414th,~~] 415th, [~~419th,~~] 420th, 421st, and 422nd  
7 judicial districts are created January 15, 2004 [~~September 1,~~  
8 ~~2005~~].

9 (d) The 414th and 419th judicial districts are created  
10 September 1, 2005.

11 SECTION \_\_.02. Section 11, Chapter 1306, Acts of the 78th  
12 Legislature, Regular Session, 2003, is amended by amending  
13 Subsection (c) and adding Subsection (d) to read as follows:

14 (c) Sections [~~2,~~] 3, [~~6,~~] 7, 8, and 9 of this Act take effect  
15 January 15, 2004 [~~September 1, 2005~~].

16 (d) Sections 2 and 6 of this Act take effect September 1,  
17 2005.

18 Explanation: It is necessary to add this article to revise  
19 the effective date regarding the creation, composition, and funding  
20 of certain judicial districts for certain counties.

21 (3) House Rule 13, Sections 9(a)(3) and (4), are suspended  
22 to permit the committee to add a new article to the bill to read as  
23 follows:

24 ARTICLE \_\_. SALE OR LEASE OF CERTAIN VACANT PUBLIC LAND

25 SECTION \_\_.01. Section 51.178(a), Natural Resources Code,  
26 is amended to read as follows:

27 (a) A person may apply for good-faith-claimant status not

1 later than the 90th day after:

2 (1) the date of a final order by the commissioner  
3 finding that a vacancy exists [~~at the time an application is filed~~  
4 ~~under Section 51.176~~]; or

5 (2) the date of final judgment by a court that a  
6 vacancy exists, if the commissioner does not find that a vacancy  
7 exists [~~not later than the 60th day after the date notice of~~  
8 ~~acceptance is published as required under Section 51.179(d)~~].

9 SECTION \_\_.02. The changes in law made by this article apply  
10 only to a vacancy application existing or made on or after the  
11 effective date of this Act.

12 Explanation: It is necessary to add this article to modify  
13 the time frame to determine when a person may apply for  
14 good-faith-claimant status for the sale or lease of vacant public  
15 land.