

Suspending limitations on conference committee  
jurisdiction, H.B. No. 7

By: Ogden

S.R. No. 132

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 78th Legislature, 3rd Called Session, 2003, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 7, relating to the reorganization of, efficiency in, and other reform measures applying to governmental entities and certain regulatory practices, to consider and take action on the following matters:

(1) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE to the bill to read as follows:

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

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

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

- (1) the board of trustees; and
- (2) the Texas Ethics Commission.

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

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

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

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

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

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

(a-4) The commissioner may require filing financial

statements under Subsection (a-3) covering not more than three fiscal years and beginning on January 1 of the second year following the date of the commissioner's order. A member of a board of trustees subject to an order issued under Subsection (a-3) is not required to include, in a financial disclosure statement subject to this section, financial activity occurring before January 1 of the year following the year in which the order is issued. The commissioner may renew the requirement if the commissioner determines that a condition described by Subsection (c) continues to exist.

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

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

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

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

(2) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE to the bill to read as follows:

ARTICLE \_\_. JUDICIAL DISTRICTS

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

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

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

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

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

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

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

(3) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add a new ARTICLE to the bill to read as follows:

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

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

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

later than the 90th day after:

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

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

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

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

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on October 10, 2003, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate