

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

By: Ogden

S.R. No. 132

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 78th
2 Legislature, 3rd Called Session, 2003, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 7, relating to the reorganization of, efficiency in, and other
6 reform measures applying to governmental entities and certain
7 regulatory practices, to consider and take action on the following
8 matters:

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

11 ARTICLE ____ . FINANCIAL DISCLOSURE FOR BOARDS OF TRUSTEES OF

12 CERTAIN SCHOOL DISTRICTS

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

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

22 (1) the board of trustees; and

23 (2) the Texas Ethics Commission.

24 (a-1) Not later than the 15th day after the date a board of

1 trustees adopts a resolution under Subsection (a), the board shall
2 deliver a certified copy of the resolution to the Texas Ethics
3 Commission.

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

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

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

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

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

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

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

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

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

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

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

14 (d) Sections 2 and 6 of this Act take effect September 1,
15 2005.

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

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

21 ARTICLE __. SALE OR LEASE OF CERTAIN VACANT PUBLIC LAND

22 SECTION __.01. Section 51.178(a), Natural Resources Code, is
23 amended to read as follows:

24 (a) A person may apply for good-faith-claimant status not
25 later than the 90th day after:

26 (1) the date of a final order by the commissioner
27 finding that a vacancy exists ~~[at the time an application is filed~~

1 ~~under Section 51.176]; or~~

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

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

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