

Suspending limitations on conference committee  
jurisdiction, H.B. No. 3459 (Pitts/Bivins)

By: Pitts

H.R. No. 1859

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, Regular Session, 2003, That House Rule 13,  
3 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 3459, relating to fiscal  
6 matters involving certain governmental educational entities,  
7 including public school finance, program compliance monitoring by  
8 the Texas Education Agency, amounts withheld from from and the use  
9 of compensatory education allotments, the public school technology  
10 allotment, the accounting for the permanent school fund, employee  
11 benefits provided by certain educational entities, the uses of the  
12 telecommunications infrastructure fund, and participation in a  
13 multijurisdiction lottery game, to consider and take action on the  
14 following matter:

15 House Rule 13, Section 9(a)(4), is suspended to permit the  
16 committee to add SECTIONS 5, 28, 43, 44, 45, 59, 68, 69, 73, 74, 78,  
17 and 79 to read as follows:

18 SECTION 5. Section 11.151, Education Code, is amended by  
19 adding Subsection (e) to read as follows:

20 (e) A school district may request the assistance of the  
21 attorney general on any legal matter. The district must pay any  
22 costs associated with the assistance.

23 SECTION 28. (a) Sections 41.0021(a) and (b), Education  
24 Code, are amended to read as follows:

25 (a) Notwithstanding Section 41.002, for the [~~2001-2002,~~

1 ~~2002-2003, and~~ 2003-2004 school year [~~years~~], a school district  
2 that in the 1999-2000 school year did not offer each grade level  
3 from kindergarten through 12 may elect to have its wealth per  
4 student determined under this section.

5 (e) This section expires September 1, 2004.

6 (b) This section prevails over any other Act of the 78th  
7 Legislature, Regular Session, 2003, amending Sections 41.0021(a)  
8 and (e), Education Code.

9 SECTION 43. Section 822.001, Government Code, is amended by  
10 adding Subsections (c) through (f) to read as follows:

11 (c) Membership in the retirement system begins on the 91st  
12 day after the first day a person is employed.

13 (d) A person who is reemployed after withdrawing  
14 contributions for previous service credit begins membership on the  
15 91st day after the first day the person is reemployed.

16 (e) Notwithstanding any other provision of law, a member may  
17 establish credit only as provided by Section 823.406 for service  
18 performed during the 90-day waiting period provided by Subsection  
19 (c) or (d).

20 (f) Subsections (c), (d), and (e) and this subsection expire  
21 September 1, 2005.

22 SECTION 44. Section 823.002, Government Code, is amended to  
23 read as follows:

24 Sec. 823.002. SERVICE CREDITABLE IN A YEAR. (a) The board  
25 of trustees by rule shall determine how much service in any year is  
26 equivalent to one year of service credit, but in no case may all of a  
27 person's service in one school year be creditable as more than one

1 year of service. Service that has been credited by the retirement  
2 system on annual statements for a period of five or more years may  
3 not be deleted or corrected because of an error in crediting unless  
4 the error concerns three or more years of service credit or was  
5 caused by fraud.

6 (b) The rules adopted by the board of trustees under  
7 Subsection (a) must provide that the 90-day waiting periods  
8 described by Sections 822.001(c) and (d) be applied with regard to  
9 contributions during a member's first year of service under either  
10 of those subsections in a manner that, to the greatest extent  
11 possible, minimizes the cost to the retirement system. This  
12 subsection expires September 1, 2005.

13 SECTION 45. Subchapter E, Chapter 823, Government Code, is  
14 amended by adding Section 823.406 to read as follows:

15 Sec. 823.406. CREDIT PURCHASE OPTION FOR CERTAIN SERVICE.

16 (a) A member may establish membership service credit under this  
17 section only for service performed during a 90-day waiting period  
18 to become a member after beginning employment.

19 (b) A member may establish service credit under this section  
20 by depositing with the retirement system, for each month of service  
21 credit, the actuarial present value, at the time of deposit, of the  
22 additional standard retirement annuity benefits that would be  
23 attributable to the purchase of the service credit under this  
24 section, based on rates and tables recommended by the retirement  
25 system's actuary and adopted by the board of trustees.

26 (c) After a member makes the deposits required by this  
27 section, the retirement system shall grant the member one month of

1 equivalent membership service credit for each month of credit  
2 approved.

3 (d) The retirement system shall deposit the amount of the  
4 actuarial present value of the service credit purchased in the  
5 member's individual account in the employees saving account.

6 (e) The board of trustees may adopt rules to administer this  
7 section.

8 SECTION 59. Section 57.046, Utilities Code, is amended by  
9 amending Subsection (a) and adding Subsections (c) and (d) to read  
10 as follows:

11 (a) The board shall use money in the public schools account  
12 to:

13 (1) to the extent directed in the General  
14 Appropriations Act, fund the technology allotment under Section  
15 32.005, Education Code; and

16 (2) award grants and loans in accordance with this  
17 subchapter to fund:

18 (A) [~~1~~] equipment for public schools,  
19 including computers, printers, computer labs, and video equipment;  
20 and

21 (B) [~~2~~] intracampus and intercampus wiring to  
22 enable those public schools to use the equipment.

23 (c) Section 57.047(d) does not apply to the use of money in  
24 the public schools account for the purpose specified by Subsection  
25 (a)(1).

26 (d) In addition to the purposes for which the qualifying  
27 entities account may be used, the board may use money in the account

1 to award grants to the Health and Human Services Commission for  
2 technology initiatives of the commission.

3 SECTION 68. Notwithstanding any conflicting provision of  
4 H.B. No. 1, Acts of the 78th Legislature, Regular Session, 2003, the  
5 guaranteed level of state and local funds per weighted student per  
6 cent of tax effort is \$25.81. This subsection does not affect a  
7 school district's entitlement to any additional revenue under H.B.  
8 No. 1, Acts of the 78th Legislature, Regular Session, 2003.

9 SECTION 69. Of the amounts appropriated by H.B. No. 1, Acts  
10 of the 78th Legislature, Regular Session, 2003, to the Texas  
11 Education Agency under Strategy A.1.2, FSP - Equalized Facilities,  
12 for purposes of the existing debt assistance program under  
13 Subchapter B, Chapter 46, Education Code, the commissioner of  
14 education may, in the fiscal year ending August 31, 2005, use an  
15 amount not to exceed \$20 million for purposes of the instructional  
16 facilities allotment under Subchapter A, Chapter 46, Education  
17 Code.

18 SECTION 73. Section 822.001, Government Code, as amended by  
19 this Act, and Section 823.406, Government Code, as added by this  
20 Act, apply only to a person who is first employed on or after the  
21 effective date of this Act and to a former employee who has  
22 withdrawn retirement contributions under Section 822.003,  
23 Government Code, and is reemployed on or after the effective date of  
24 this Act.

25 SECTION 74. The requirements of Section 823.002(b),  
26 Government Code, as added by this Act, apply to persons whose  
27 employment begins on or after the effective date of this Act. The

1 board of trustees of the Teacher Retirement System of Texas shall  
2 adopt rules implementing the requirements of that subsection as  
3 soon as practicable after the effective date of this Act.

4 SECTION 78. Chapter 466, Government Code, is amended by  
5 adding Subchapter J to read as follows:

6 SUBCHAPTER J. PARTICIPATION IN MULTIJURISDICTION LOTTERY GAME

7 Sec. 466.451. MULTIJURISDICTION AGREEMENT AUTHORIZED. The  
8 commission may enter into a written agreement with the appropriate  
9 officials of one or more other states or other jurisdictions,  
10 including foreign countries, to participate in the operation,  
11 marketing, and promotion of a multijurisdiction lottery game or  
12 games. The commission may adopt rules relating to a  
13 multijurisdiction lottery game or games.

14 Sec. 466.452. REVENUE FROM MULTIJURISDICTION LOTTERY. (a)  
15 Except as provided by this section, revenue received from the sale  
16 of tickets in this state for a multijurisdiction lottery game is  
17 subject to Subchapter H.

18 (b) The commission may deposit a portion of the revenue  
19 received from the sale of multijurisdiction lottery game tickets in  
20 this state into a fund shared with other parties to an agreement  
21 under this subchapter for the payment of prizes awarded in  
22 multijurisdiction lottery games in which the commission  
23 participates. The commission may retain that revenue in the fund  
24 for as long as necessary to pay prizes claimed during the period  
25 designated for claiming a prize in the multijurisdiction lottery  
26 game.

27 Sec. 466.453. PAYMENT OF COSTS AUTHORIZED. The commission

1 may share in the payment of costs associated with participating in  
2 multijurisdiction lottery games.

3 SECTION 79. (a) As soon as practicable after the effective  
4 date of this Act, the Texas Lottery Commission shall adopt the rules  
5 necessary to implement multijurisdiction lottery games in  
6 accordance with Subchapter J, Chapter 466, Government Code, as  
7 added by this Act.

8 (b) The Texas Lottery Commission may adopt an emergency rule  
9 under Subsection (a) of this section without prior notice or  
10 hearing, or with any abbreviated notice and hearing as the  
11 commission finds practicable, for the implementation of the change  
12 in law made by Subchapter J, for multijurisdiction lottery games,  
13 Chapter 466, Government Code. Section 2001.034, Government Code,  
14 does not apply to an emergency rule adopted under this section.

15 (c) Notwithstanding any law to the contrary, including any  
16 law enacted during the 78th Legislature, Regular Session, 2003, to  
17 promptly implement Subchapter J, Chapter 466, Government Code, as  
18 added by this Act, a contract for the acquisition or provision of  
19 facilities, supplies, equipment, materials, or services related to  
20 the initial operation of multijurisdiction lottery games under  
21 these subchapters is not subject to:

- 22 (1) Subtitle D, Title 10, Government Code;
- 23 (2) Section 466.101, Government Code;
- 24 (3) Chapter 2161, Government Code; or
- 25 (4) any competitive bidding requirements or contract  
26 requirements provided by any other law or by rules of the Texas  
27 Lottery Commission.

1           Explanation: These additions are necessary to permit a  
2 school district to request the assistance of the attorney general,  
3 to provide for determining the wealth per student of certain school  
4 districts, to administer the state retirement system, including  
5 delaying participation in the state retirement system until the  
6 91st day after employment with the state, to permit the awarding of  
7 certain grants to the Health and Human Services Commission for  
8 technology initiatives, to provide that the guaranteed level of  
9 state and local funds per weighted student per cent of tax effort is  
10 \$25.81, to permit the commissioner of education to use certain  
11 funds for purposes of the instructional facilities allotment under  
12 Subchapter A, Chapter 46, Education Code, and to permit the Texas  
13 Lottery Commission to participate in a multijurisdiction lottery  
14 game or games.