

Suspending limitations on conference committee
jurisdiction, H.B. No. 3459

By: Bivins

S.R. No. 1046

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 78th Legislature, Regular Session, 2003, That the 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. 3459, relating to fiscal matters involving certain governmental educational entities, including public school finance, program compliance monitoring by the Texas Education Agency, amounts withheld from and the use of compensatory education allotments, the public school technology allotment, the accounting for the permanent school fund, employee benefits provided by certain educational entities, the uses of the telecommunications infrastructure fund, and participation in a multijurisdiction lottery game, to consider and take action on the following matter:

Senate Rule 12.03(4) is suspended to permit the committee to add SECTIONs 5, 28, 43, 44, 45, 59, 68, 69, 73, 74, 78, and 79 to read as follows:

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

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

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

(a) Notwithstanding Section 41.002, for the [~~2001-2002, 2002-2003, and~~] 2003-2004 school year [~~years~~], a school district that in the 1999-2000 school year did not offer each grade level from kindergarten through 12 may elect to have its wealth per student determined under this section.

(e) This section expires September 1, 2004.

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

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

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

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

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

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

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

Sec. 823.002. SERVICE CREDITABLE IN A YEAR. (a) The board of trustees by rule shall determine how much service in any year is equivalent to one year of service credit, but in no case

may all of a person's service in one school year be creditable as more than one year of service. Service that has been credited by the retirement system on annual statements for a period of five or more years may not be deleted or corrected because of an error in crediting unless the error concerns three or more years of service credit or was caused by fraud.

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

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

Sec. 823.406. CREDIT PURCHASE OPTION FOR CERTAIN SERVICE. (a) A member may establish membership service credit under this section only for service performed during a 90-day waiting period to become a member after beginning employment.

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

(c) After a member makes the deposits required by this

section, the retirement system shall grant the member one month of equivalent membership service credit for each month of credit approved.

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

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

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

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

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

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

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

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

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

(d) In addition to the purposes for which the qualifying

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entities account may be used, the board may use money in the account to award grants to the Health and Human Services Commission for technology initiatives of the commission.

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

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

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

SECTION 74. The requirements of Section 823.002(b),

Government Code, as added by this Act, apply to persons whose employment begins on or after the effective date of this Act. The board of trustees of the Teacher Retirement System of Texas shall adopt rules implementing the requirements of that subsection as soon as practicable after the effective date of this Act.

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

SUBCHAPTER J. PARTICIPATION IN MULTI JURISDICTION LOTTERY GAME

Sec. 466.451. MULTI JURISDICTION AGREEMENT AUTHORIZED.

The commission may enter into a written agreement with the appropriate officials of one or more other states or other jurisdictions, including foreign countries, to participate in the operation, marketing, and promotion of a multijurisdiction lottery game or games. The commission may adopt rules relating to a multijurisdiction lottery game or games.

Sec. 466.452. REVENUE FROM MULTI JURISDICTION LOTTERY.

(a) Except as provided by this section, revenue received from the sale of tickets in this state for a multijurisdiction lottery game is subject to Subchapter H.

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

game.

Sec. 466.453. PAYMENT OF COSTS AUTHORIZED. The commission may share in the payment of costs associated with participating in multijurisdiction lottery games.

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

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

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

- (1) Subtitle D, Title 10, Government Code;
- (2) Section 466.101, Government Code;

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(3) Chapter 2161, Government Code; or

(4) any competitive bidding requirements or contract requirements provided by any other law or by rules of the Texas Lottery Commission.

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on June 1, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate