

By: Van Arsdale

H.B. No. 104

Substitute the following for H.B. No. 104:

By: Eissler

C.S.H.B. No. 104

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to financial conflicts of interest of superintendents of  
3 public school districts; providing a criminal penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter E, Chapter 11, Education Code, is  
6 amended by adding Section 11.2011 to read as follows:

7 Sec. 11.2011. FILING OF FINANCIAL STATEMENT BY  
8 SUPERINTENDENT. (a) The superintendent of an independent school  
9 district shall file a verified financial statement with:

10 (1) the board of trustees of the district; and

11 (2) the Texas Ethics Commission.

12 (b) A financial statement filed under Subsection (a) must  
13 include the information prescribed by Section 572.023(b)(1),  
14 Government Code.

15 (c) Except as provided by Subsection (b) of this section,  
16 Subchapter B, Chapter 572, Government Code:

17 (1) applies to a superintendent as if the  
18 superintendent were a state officer; and

19 (2) governs the contents, timeliness of filing, and  
20 public inspection of a statement filed under this section.

21 (d) A superintendent commits an offense if the  
22 superintendent fails to file the statement required by this  
23 section. An offense under this section is a Class B misdemeanor.

24 SECTION 2. Subchapter B, Chapter 44, Education Code, is

1 amended by adding Section 44.045 to read as follows:

2 Sec. 44.045. CERTAIN SCHOOL DISTRICT SERVICE CONTRACTS  
3 INVOLVING SUPERINTENDENTS PROHIBITED. (a) In this section,  
4 "business entity" has the meaning assigned by Section 171.001,  
5 Local Government Code.

6 (b) For purposes of this section, a superintendent or a  
7 retired superintendent has a substantial interest in a business  
8 entity if the superintendent would have a substantial interest in  
9 that business entity under Section 171.002(a), Local Government  
10 Code.

11 (c) The board of trustees of a school district may not enter  
12 into, with the superintendent, with a person who has retired from  
13 service as the superintendent of the district during the three-year  
14 period preceding the date on which the contract is entered into, or  
15 with a business entity in which the superintendent or retired  
16 superintendent has a substantial interest, a contract under which  
17 the district agrees to pay for services provided to the district.

18 SECTION 3. Section 11.2011, Education Code, as added by  
19 this Act, applies beginning January 1, 2007. A superintendent  
20 subject to Section 11.2011, Education Code, as added by this Act, is  
21 not required to include financial activity occurring before January  
22 1, 2006, in a verified financial statement required under Section  
23 11.2011, Education Code, as added by this Act.

24 SECTION 4. Section 44.045, Education Code, as added by this  
25 Act, applies only to a contract executed on or after September 1,  
26 2005. A contract executed before September 1, 2005, is governed by  
27 the law as it existed on the date the contract was executed, and the

1 former law is continued in effect for that purpose.

2 SECTION 5. This Act takes effect September 1, 2005.