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HOUSE OF REPRESENTATIVES

Marise Marquez

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 5 as follows:

2 (1) Add the following appropriately numbered SECTIONS to
3 the bill and renumber subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 11.064, Education Code, is amended by
5 amending Subsections (a), (b), and (c) and adding Subsection (d) to
6 read as follows:

7 (a) Each member of the [~~The~~] board of trustees of an
8 independent school district shall [~~by resolution adopted by~~
9 ~~majority vote may require each member of the board to~~] file a the
10 financial statement [~~required of state officers under Subchapter B,~~
11 ~~Chapter 572, Government Code,~~] with:

12 (1) the board of trustees; and

13 (2) the commissioners court of the county in which the
14 schools district's central administrative office is located [~~Texas~~
15 ~~Ethics Commission~~].

16 (b) The provisions of Subchapter B, Chapter 572, Government
17 Code, governing[+]

18 [~~(1) applies to a trustee subject to this section as if~~
19 ~~the trustee were a state officer, and~~

20 [~~(2) governs~~] the contents, timeliness of filing, and
21 public inspection of a statement apply to a statement filed under
22 this section as if the trustee were a state officer and the
23 commissioners court of the county were the Texas Ethics Commission.

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

1 (d) The commissioners court of a county shall determine from
2 any available evidence whether a statement required to be filed
3 under this section is late. On making a determination that the
4 statement is late, the commissioners court shall immediately mail a
5 notice of the determination to the individual responsible for
6 filing the statement. If a statement is determined to be late, the
7 individual responsible for filing the statement is liable to the
8 county for a civil penalty of \$500. If a statement is more than 30
9 days late, the commissioners court shall issue a warning of
10 liability by registered mail to the individual responsible for the
11 filing. If the penalty is not paid before the 10th day after the
12 date on which the warning is received, the individual is liable for
13 a civil penalty in an amount determined by the commissioners court,
14 but not to exceed \$10,000.

15 SECTION _____. (a) The changes in law made by this Act to
16 Section 11.064, Education Code, apply beginning January 1, 2015. A
17 trustee who, before the effective date of this Act, was not required
18 to file a financial statement under Section 11.064, Education Code,
19 is not required to include financial activity occurring before
20 January 1, 2014, in a statement filed under that section.

21 (b) The change in law made by this Act to Section 11.064(c),
22 Education Code, applies only to an offense committed on or after
23 January 1, 2014. For purposes of this subsection, an offense is
24 committed before January 1, 2014, if any element of the offense
25 occurs before that date. An offense committed before January 1,
26 2014, is covered by the law in effect when the offense was
27 committed, and the former law is continued in effect for that
28 purpose.

29 (2) On page 68, between lines 25 and 26, insert the
30 following:

31 (1) Sections 11.064(a-1), (a-2), (a-3), and (a-4);

- 1 (3) On page 68, line 26, strike "(1)" and substitute "(2)".
- 2 (4) On page 68, line 27, strike "(2)" and substitute "(3)".
- 3 (5) On page 69, line 1, strike "(3)" and substitute "(4)".

