

Suspending limitations on conference committee
jurisdiction, H.B. No. 12 (Flynn/Zaffirini)

By: Flynn

H.R. No. 3042

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, 83rd Legislature, Regular Session, 2013, 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 12 (gifts and other
6 consideration made to state agencies for state employee salary
7 supplement or other purposes and to publication by state agencies
8 of staff compensation and related information) to consider and take
9 action on the following matters:

10 (1) House Rule 13, Sections 9(a)(1) and (3), are suspended
11 to permit the committee to change, alter, or amend text and to add
12 text on a matter not in disagreement by adding the following to
13 Section 659.0201, Government Code, in SECTION 1 of the bill:

14 (b) A state agency that accepts a gift, grant, donation, or
15 other consideration from a person that the person designates to be
16 used as a salary supplement for an employee of the agency shall post
17 on the agency's Internet website, in addition to the information
18 required by Section 659.026, the amount of each gift, grant,
19 donation, or other consideration provided by the person that is
20 designated to be used as a salary supplement for an employee of the
21 agency. The agency may not post the name of the person.

22 Explanation: The change is necessary to clarify which state
23 agencies have to post certain information relating to a gift,
24 grant, donation, or other consideration the agency receives on the

1 agency's Internet website and to clarify the information that the
2 agency is prohibited from posting.

3 (2) House Rule 13, Sections 9(a)(1) and (3), are suspended
4 to permit the committee to change, alter, or amend text and to add
5 text on a matter not in disagreement by adding the following to
6 Section 659.0201, Government Code, in SECTION 1 of the bill:

7 (c) A state agency described by Subsection (b) by rule shall
8 adopt conflict of interest provisions regarding the acceptance by
9 the agency of a gift, grant, donation, or other consideration to be
10 used as a salary supplement for an employee of the agency. The
11 governing board of an institution of higher education shall adopt
12 the conflict of interest provisions required by this subsection in
13 the same manner as the board adopts other policies applicable to the
14 institution. The agency shall post the conflict of interest
15 provisions on the agency's Internet website.

16 Explanation: The change is necessary to clarify the
17 application of the provisions to institutions of higher education.

18 (3) House Rule 13, Sections 9(a)(1) and (3), are suspended
19 to permit the committee to change, alter, or amend text and to add
20 text on a matter not in disagreement by adding the following to
21 Section 659.0201(d)(1), Government Code, in SECTION 1 of the bill:
22 "unless the person has made a request to the entity to remain
23 anonymous".

24 Explanation: The change is necessary to maintain the
25 anonymity of certain donors.

26 (4) House Rule 13, Section 9(a)(4), is suspended to permit
27 the committee to add text on matters not included in either the

1 house or senate version of the bill by adding the following to
2 Section 659.0201, Government Code, in SECTION 1 of the bill:

3 (e) A state agency that receives a gift, grant, donation, or
4 other consideration described by Subsection (d) shall compile the
5 information the agency receives under Subsection (d) into a report
6 and submit the report to the state auditor and the legislature.

7 (f) Information provided to an institution of higher
8 education under Subsection (d) is confidential and is not subject
9 to disclosure under Chapter 552.

10 (g) The state auditor may review the report submitted under
11 Subsection (e) to identify any conflicts of interest or any other
12 areas of risk. The state auditor shall report the results of an
13 audit performed under this section to the legislature.

14 Explanation: The change is necessary to enable the state
15 auditor and legislature to be informed about gifts, grants,
16 donations, or other consideration received by state agencies and
17 monitor any conflicts of interest that might result from accepting
18 a gift, grant, donation, or other consideration and to maintain the
19 confidentiality of information provided by an institution of higher
20 education.

21 (5) House Rule 13, Sections 9(a)(1) and (3), are suspended
22 to permit the committee to change, alter, or amend text and to add
23 text on a matter not in disagreement by adding the following to
24 Section 659.0201(h), Government Code, in SECTION 1 of the bill:
25 "that does not require the release of information that identifies
26 an anonymous donor".

27 Explanation: The change is necessary to maintain the

1 anonymity of certain donors.

2 (6) House Rule 13, Section 9(a)(1), is suspended to permit
3 the committee to change, alter, or amend text not in disagreement by
4 adding "officer" to Section 659.026(a)(2)(A), Government Code, in
5 SECTION 1 of the bill.

6 Explanation: The change is necessary to clarify the
7 positions included in the meaning of executive staff.

8 (7) House Rule 13, Section 9(a)(1), is suspended to permit
9 the committee to change, alter, or amend text not in disagreement by
10 adding "Paragraph (A)" to Section 659.026(a)(2)(B), Government
11 Code, in SECTION 1 of the bill.

12 Explanation: The change is necessary to correct a
13 cross-reference.