

Suspending limitations on conference committee
jurisdiction, H.B. No. 12

By: Zaffirini

S.R. No. 1080

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 83rd Legislature, Regular Session, 2013, That 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 12 (gifts and other consideration made to state agencies for state employee salary supplement or other purposes and to publication by state agencies of staff compensation and related information) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text and to add text on matters not in disagreement by adding the following to Section 659.0201, Government Code, in SECTION 1 of the bill:

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

Explanation: The change is necessary to clarify which state agencies have to post certain information relating to a

gift, grant, donation, or other consideration the agency receives on the agency's Internet website and to clarify the information that the agency is prohibited from posting.

(2) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement by adding the following to Section 659.0201, Government Code, in SECTION 1 of the bill:

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

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

(3) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement by adding the following to Section 659.0201(d)(1), Government Code, in SECTION 1 of the bill: "unless the person has made a request to the entity to remain anonymous".

Explanation: The change is necessary to maintain the

anonymity of certain donors.

(4) Senate Rule 12.03(4) is suspended to permit the committee to add text on matters not included in either the house or senate version of the bill by adding the following to Section 659.0201, Government Code, in SECTION 1 of the bill:

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

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

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

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

(5) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text and to add text on a matter not in disagreement by adding the following to Section

659.0201(h), Government Code, in SECTION 1 of the bill: "that does not require the release of information that identifies an anonymous donor".

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

(6) Senate Rule 12.03(1) is suspended to permit the committee to change, alter, or amend text not in disagreement by adding "officer" to Section 659.026(a)(2)(A), Government Code, in SECTION 1 of the bill.

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

(7) Senate Rule 12.03(1) is suspended to permit the committee to change, alter, or amend text not in disagreement by adding "Paragraph (A)" to Section 659.026(a)(2)(B), Government Code, in SECTION 1 of the bill.

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate