

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

By: Zaffirini

S.R. No. 1080

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 83rd
2 Legislature, Regular Session, 2013, That Senate Rule 12.03 be
3 suspended in part as provided by Senate Rule 12.08 to enable the
4 conference committee appointed to resolve the differences on House
5 Bill 12 (gifts and other consideration made to state agencies for
6 state employee salary supplement or other purposes and to
7 publication by state agencies of staff compensation and related
8 information) to consider and take action on the following matters:

9 (1) Senate Rules 12.03(1) and (3) are suspended to permit
10 the committee to change, alter, or amend text and to add text on
11 matters not in disagreement by adding the following to Section
12 659.0201, Government Code, in SECTION 1 of the bill:

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

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

1 agency is prohibited from posting.

2 (2) Senate Rules 12.03(1) and (3) are suspended to permit
3 the committee to change, alter, or amend text and to add text on a
4 matter not in disagreement by adding the following to Section
5 659.0201, Government Code, in SECTION 1 of the bill:

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

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

17 (3) Senate Rules 12.03(1) and (3) are suspended to permit
18 the committee to change, alter, or amend text and to add text on a
19 matter not in disagreement by adding the following to Section
20 659.0201(d)(1), Government Code, in SECTION 1 of the bill: "unless
21 the person has made a request to the entity to remain anonymous".

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

24 (4) Senate Rule 12.03(4) is suspended to permit the
25 committee to add text on matters not included in either the house or
26 senate version of the bill by adding the following to Section
27 659.0201, Government Code, in SECTION 1 of the bill:

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

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

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

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

19 (5) Senate Rules 12.03(1) and (3) are suspended to permit
20 the committee to change, alter, or amend text and to add text on a
21 matter not in disagreement by adding the following to Section
22 659.0201(h), Government Code, in SECTION 1 of the bill: "that does
23 not require the release of information that identifies an anonymous
24 donor".

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

27 (6) Senate Rule 12.03(1) is suspended to permit the

1 committee to change, alter, or amend text not in disagreement by
2 adding "officer" to Section 659.026(a)(2)(A), Government Code, in
3 SECTION 1 of the bill.

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

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

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