

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Marquez, N. Gonzalez of El Paso, Moody,  
Fallon, Pickett

H.B. No. 343

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the filing of financial disclosure statements by  
3 trustees of certain independent school districts; providing  
4 criminal and civil penalties.

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

6 SECTION 1. Section 11.064, Education Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) This section does not apply to the board of trustees of  
9 an independent school district to which Section 11.0641 applies.

10 SECTION 2. Subchapter C, Chapter 11, Education Code, is  
11 amended by adding Section 11.0641 to read as follows:

12 Sec. 11.0641. FILING OF FINANCIAL STATEMENT BY TRUSTEE  
13 REQUIRED FOR CERTAIN SCHOOL DISTRICTS. (a) This section applies  
14 only to the board of trustees of an independent school district that  
15 is located in a county with a population of 800,000 or more that is  
16 located on the international border.

17 (b) Each member of the board of trustees of an independent  
18 school district shall file a financial statement with:

19 (1) the board of trustees; and

20 (2) the commissioners court of the county in which the  
21 school district's central administrative office is located.

22 (c) The provisions of Subchapter B, Chapter 572, Government  
23 Code, governing the contents, timeliness of filing, and public  
24 inspection of a statement apply to a statement filed under this

1 section as if the trustee were a state officer and the commissioners  
2 court of the county were the Texas Ethics Commission.

3 (d) A trustee commits an offense if the trustee fails to  
4 file the statement required by this section. An offense under this  
5 section is a Class B misdemeanor.

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

20 SECTION 3. (a) Section 11.0641, Education Code, as added  
21 by this Act, applies beginning January 1, 2015. A trustee is not  
22 required to include financial activity occurring before January 1,  
23 2014, in a statement filed under that section.

24 (b) The change in law made by this Act applies only to an  
25 offense committed on or after January 1, 2014. For purposes of this  
26 section, an offense is committed before January 1, 2014, if any  
27 element of the offense occurs before that date.

1           (c) An offense committed before January 1, 2014, is covered  
2 by the law in effect when the offense was committed, and the former  
3 law is continued in effect for that purpose.

4           SECTION 4. This Act takes effect January 1, 2014.

**ADOPTED**

MAY 17 2013

*Leroy Spaw*  
Secretary of the Senate

By: *José Rodríguez*

H.B. No. 343

Substitute the following for H.B. No. 343 :

By: *Seliger*

C.S. H.B. No. 343

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3 trustees of certain independent school districts; providing  
4 criminal and civil penalties.

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

6 SECTION 1. Section 11.064, Education Code, is amended by  
7 adding Subsection (d) to read as follows:

8 (d) This section does not apply to the board of trustees of  
9 an independent school district to which Section 11.0641 applies.  
10 This subsection expires January 1, 2019.

11 SECTION 2. Subchapter C, Chapter 11, Education Code, is  
12 amended by adding Section 11.0641 to read as follows:

13 Sec. 11.0641. FILING OF FINANCIAL STATEMENT BY TRUSTEE  
14 REQUIRED FOR CERTAIN SCHOOL DISTRICTS. (a) This section applies  
15 only to the board of trustees of an independent school district that  
16 is located in a county that is located on the international border  
17 and in which a municipality with a population of 600,000 or more is  
18 located.

19 (b) Each member of the board of trustees of an independent  
20 school district shall file a financial statement with:

21 (1) the board of trustees; and

22 (2) the commissioners court of the county in which the  
23 school district's central administrative office is located.

24 (c) The provisions of Subchapter B, Chapter 572, Government

1 Code, governing the contents, timeliness of filing, and public  
2 inspection of a statement apply to a statement filed under this  
3 section as if the trustee were a state officer and the commissioners  
4 court of the county were the Texas Ethics Commission.

5 (d) A trustee commits an offense if the trustee fails to  
6 file the statement required by this section. An offense under this  
7 section is a Class B misdemeanor.

8 (e) The commissioners court of the county shall determine  
9 from any available evidence whether a statement required to be  
10 filed under this section is late. On making a determination that  
11 the statement is late, the commissioners court shall immediately  
12 mail a notice of the determination to the individual responsible  
13 for filing the statement. If a statement is determined to be late,  
14 the individual responsible for filing the statement is liable to  
15 the county for a civil penalty of \$500. If a statement is more than  
16 30 days late, the commissioners court shall issue a warning of  
17 liability by registered mail to the individual responsible for the  
18 filing. If the penalty is not paid before the 10th day after the  
19 date on which the warning is received, the individual is liable for  
20 a civil penalty in an amount determined by the commissioners court,  
21 but not to exceed \$10,000.

22 (f) A trustee is not required to file a statement under this  
23 section for financial activity occurring on or after January 1,  
24 2018. This section expires January 1, 2019.

25 SECTION 3. (a) Section 11.0641, Education Code, as added by  
26 this Act, applies beginning January 1, 2015. A trustee is not  
27 required to include financial activity occurring before January 1,

1 2014, in a statement filed under that section.

2 (b) The change in law made by this Act applies only to an  
3 offense committed on or after January 1, 2014. For purposes of this  
4 section, an offense is committed before January 1, 2014, if any  
5 element of the offense occurs before that date.

6 (c) An offense committed before January 1, 2014, is covered  
7 by the law in effect when the offense was committed, and the former  
8 law is continued in effect for that purpose.

9 (d) The expiration of Section 11.0641, Education Code, as  
10 added by this Act, does not affect the prosecution of an offense  
11 under or the collection of a civil penalty for the violation of that  
12 section as it existed before it expired, and the former law is  
13 continued in effect for that purpose.

14 SECTION 4. This Act takes effect January 1, 2014.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 18, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB343** by Márquez (Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would require each member of the board of trustees of an independent school district located in a county on an international border and in which a municipality with a population of 600,000 or more was located to file a financial statement with the board of trustees and the commissioners court of the county in which the school district's central administrative office was located. The same provisions that apply to state officers regarding financial statements would apply to each member of the board of trustees. A trustee would commit a Class B misdemeanor if the trustee failed to file the required financial statement. The bill's provisions would expire on January 1, 2019.

The bill is bracketed to apply to nine independent school districts (ISDs) within El Paso County: Anthony ISD, Canutillo ISD, Clint ISD, El Paso ISD, Fabens ISD, San Elizario ISD, Socorro ISD, Tornillo ISD, and Ysleta ISD.

**Local Government Impact**

Members of the nine El Paso County school district boards of trustees would be required to file financial statements with the board of trustees and the commissioners court. This requirement could be burdensome for small ISDs that have limited qualified candidates.

The El Paso County Commissioners Court would be required to determine whether a financial statement was filed late, issue a warning of liability by registered mail, and administer civil penalties. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, SD, JBi, JSc, KKR





**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB343** by Márquez (Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.), **Committee Report 2nd House, Substituted**

<p><b>No fiscal implication to the State is anticipated.</b></p>
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The bill would require each member of the board of trustees of an independent school district located in a county on an international border and in which a municipality with a population of 600,000 or more was located to file a financial statement with the board of trustees and the commissioners court of the county in which the school district's central administrative office was located. The same provisions that apply to state officers regarding financial statements would apply to each member of the board of trustees. A trustee would commit a Class B misdemeanor if the trustee failed to file the required financial statement. The bill's provisions would expire on January 1, 2019.

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**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, KKR



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 10, 2013**

**TO:** Honorable Dan Patrick, Chair, Senate Committee on Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB343** by Márquez (Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would require each member of the board of trustees of an independent school district located in a county with a population of 800,000 or more and on an international border to file a financial statement with the board of trustees and the commissioners court of the county in which the school district's central administrative office was located. The same provisions that apply to state officers regarding financial statements would apply to each member of the board of trustees. A trustee would commit a Class B misdemeanor if the trustee failed to file the required financial statement.

The bill is bracketed to apply to nine independent school districts (ISDs) within El Paso County: Anthony ISD, Canutillo ISD, Clint ISD, El Paso ISD, Fabens ISD, San Elizario ISD, Socorro ISD, Tornillo ISD, and Ysleta ISD.

**Local Government Impact**

Members of the nine El Paso County school district boards of trustees would be required to file financial statements with the board of trustees and the commissioners court. This requirement could be burdensome for small ISDs that have limited qualified candidates.

The El Paso County Commissioners Court would be required to determine whether a financial statement was filed late, issue a warning of liability by registered mail, and administer civil penalties. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, KKR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 11, 2013**

**TO:** Honorable Jimmie Don Aycock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB343** by Márquez (Relating to the filing of financial disclosure statements by trustees of certain independent school districts; providing criminal and civil penalties.), **Committee Report 1st House, Substituted**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would require each member of the board of trustees of an independent school district located in a county with a population of 800,000 or more and on an international border to file a financial statement with the board of trustees and the commissioners court of the county in which the school district's central administrative office was located. The same provisions that apply to state officers regarding financial statements would apply to each member of the board of trustees. A trustee would commit a Class B misdemeanor if the trustee failed to file the required financial statement.

The bill is bracketed to apply to nine independent school districts (ISDs) within El Paso County: Anthony ISD, Canutillo ISD, Clint ISD, El Paso ISD, Fabens ISD, San Elizario ISD, Socorro ISD, Tornillo ISD, and Ysleta ISD.

**Local Government Impact**

Members of the nine El Paso County school district boards of trustees would be required to file financial statements with the board of trustees and the commissioners court. This requirement could be burdensome for small ISDs that have limited qualified candidates.

The El Paso County Commissioners Court would be required to determine whether a financial statement was filed late, issue a warning of liability by registered mail, and administer civil penalties. Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, KKR

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 29, 2013**

**TO:** Honorable Jimmie Don Aycocock, Chair, House Committee on Public Education

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB343** by Márquez (Relating to the filing of financial disclosure statements by trustees of an independent school district; providing a criminal penalty.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would require each member of a school board of trustees to file a financial statement. A trustee would commit an offense if the trustee failed to file the statement as required. The bill would repeal sections of the Education Code allowing financial statements to be required by a school board resolution or by the commissioner of education.

**Local Government Impact**

Based on the analysis of the Texas Education Agency, filing requirements could be burdensome for small independent school districts that have limited qualified candidates. The use of the term "independent school district" would exclude common and municipal school districts and other special school districts.

The charge modified by the bill is a Class B misdemeanor. A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 701 Central Education Agency

**LBB Staff:** UP, JBi, JSc, KKR