

By: Márquez

H.B. No. 1085

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the filing of financial disclosure statements by
3 trustees of an independent school district; providing criminal and
4 civil penalties.

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

6 SECTION 1. Sections 11.064(a), (b), (c), and (d), Education
7 Code, are amended to read as follows:

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

13 (1) the board of trustees; and

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

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

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

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

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

7 (d) The commissioners court of a county shall determine from
8 any available evidence whether a statement required to be filed
9 under this section is late. On making a determination that the
10 statement is late, the commissioners court shall immediately mail a
11 notice of the determination to the individual responsible for
12 filing the statement. If a statement is determined to be late, the
13 individual responsible for filing the statement is liable to the
14 county for a civil penalty of \$500. If a statement is more than 30
15 days late, the commissioners court shall issue a warning of
16 liability by registered mail to the individual responsible for the
17 filing. If the penalty is not paid before the 10th day after the
18 date on which the warning is received, the individual is liable for
19 a civil penalty in an amount determined by the commissioners court,
20 but not to exceed \$10,000. [~~This section does not apply to the~~
21 ~~board of trustees of an independent school district to which~~
22 ~~Section 11.0641 applies. This subsection expires January 1, 2019.]~~

23 SECTION 2. Sections 11.064(a-1), (a-2), (a-3), and (a-4)
24 and 11.0641, Education Code, are repealed.

25 SECTION 3. (a) The changes in law made by this Act to
26 Section 11.064, Education Code, apply beginning January 1, 2017, to
27 a trustee who, before the effective date of this Act, was not

1 required to file a financial statement under Section 11.064 or
2 11.0641, Education Code, and such a trustee is not required to
3 include financial activity occurring before January 1, 2016, in a
4 statement filed under those sections. A trustee who was required to
5 file a financial statement under Section 11.0641, Education Code,
6 before its repeal by this Act shall file a financial statement under
7 Section 11.064, Education Code, for financial activity occurring in
8 2015.

9 (b) The change in law made by this Act applies only to an
10 offense committed on or after January 1, 2016. For purposes of this
11 section, an offense is committed before January 1, 2016, if any
12 element of the offense occurs before that date.

13 (c) An offense committed before January 1, 2016, is covered
14 by the law in effect when the offense was committed, and the former
15 law is continued in effect for that purpose.

16 SECTION 4. This Act takes effect January 1, 2016.