

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 343
By: Márquez et al. (Rodríguez)
Education
5/14/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State officers and employees file their personal financial statements to uphold certain rules and regulations adopted by the Texas Ethics Commission. Although school board members handle important budgetary and policy matters, they are not required to file personal financial statements.

C.S.H.B. 343 amends current law relating to the filing of financial disclosure statements by trustees of certain independent school districts, and provides criminal and civil penalties

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.064, Education Code, by adding Subsection (d), as follows:

(d) Provides that this section does not apply to the board of trustees of an independent school district to which Section 11.0641 applies. Provides that this subsection expires January 1, 2019.

SECTION 2. Amends Subchapter C, Chapter 11, Education Code, by adding Section 11.0641, as follows:

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

(b) Requires each member of the board of trustees of an independent school district 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 is located.

(c) Provides that the provisions of Subchapter B (Personal Financial Statement), Chapter 572 (Personal Financial Disclosure, Standards of Conduct, and Conflict of Interest), Government Code, governing the contents, timeliness of filing, and public inspection of a statement apply to a statement filed under this section as if the trustee were a state officer and the commissioners court of the county were the Texas Ethics Commission.

(d) Provides that a trustee commits an offense if the trustee fails to file the statement required by this section. Provides that an offense under this section is a Class B misdemeanor.

(e) Requires the commissioners court of the county to determine from any available evidence whether a statement required to be filed under this section is late. Requires the commissioners court, on making a determination that the statement is late, to immediately mail a notice of the determination to the individual responsible for filing the statement. Provides that the individual responsible for filing the statement, if a statement is determined to be late, is liable to the county for a civil penalty of \$500. Requires the commissioners court, if a statement is more than 30 days late, to issue a warning of liability by registered mail to the individual responsible for the filing. Provides that the individual, if the penalty is not paid before the 10th day after the date on which the warning is received, is liable for a civil penalty in an amount determined by the commissioners court, but not to exceed \$10,000.

(f) Provides that a trustee is not required to file a statement under this section for financial activity occurring on or after January 1, 2018. Provides that this subsection expires January 1, 2019.

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

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

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

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

SECTION 4. Effective date: January 1, 2014.