

## **BILL ANALYSIS**

Senate Research Center  
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H.B. 343  
By: Márquez et al. (Rodriguez)  
Education  
5/10/2013  
Engrossed

### **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.

In recent years, a number of school board members in El Paso County have been indicted or convicted on bribery and/or mail fraud with regard to contracts awarded by certain school boards. Among other provisions, H.B. 343 requires a school board member in a certain school district to file a financial statement similar to that required of state officers with the district board of trustees and the commissioners court of the county in which the district's central administrative office is located.

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), to provide that this section does not apply to the board of trustees of an independent school district to which Section 11.0641 applies.

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 with a population of 800,000 or more that is located on the international border.

(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.

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.

SECTION 4. Effective date: January 1, 2014.