

AN ACT

relating to disclosure and availability of certain information concerning certain local government officers and vendors; providing criminal penalties.

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

SECTION 1. Subtitle C, Title 5, Local Government Code, is amended by adding Chapter 176 to read as follows:

CHAPTER 176. DISCLOSURE OF CERTAIN RELATIONSHIPS WITH LOCAL GOVERNMENT OFFICERS; PROVIDING PUBLIC ACCESS TO CERTAIN INFORMATION

Sec. 176.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Ethics Commission.

(2) "Family member" means a person related to another person within the first degree by consanguinity or affinity, as described by Subchapter B, Chapter 573, Government Code.

(3) "Local governmental entity" means a county, municipality, school district, junior college district, or other political subdivision of this state or a local government corporation, board, commission, district, or authority to which a member is appointed by the commissioners court of a county, the mayor of a municipality, or the governing body of a municipality. The term does not include an association, corporation, or organization of governmental entities organized to provide to its members education, assistance, products, or services or to

represent its members before the legislative, administrative, or
judicial branches of the state or federal government.

(4) "Local government officer" means:

(A) a member of the governing body of a local

statement with respect to a person described by Section 176.002(a)

if:

(1)

(d) It is a defense to prosecution under Subsection (c) that the person filed the required conflicts disclosure statement not later than the seventh business day after the date the person received notice of the violation.

Sec. 176.004. CONTENTS OF DISCLOSURE STATEMENT. The commission shall adopt the conflicts disclosure statement for local government officers. The conflicts disclosure statement must include:

(1) a requirement that each local government officer disclose:

(A) an employment or other business relationship described by Section 176.003(a), including the nature and extent of the relationship; and

(B) gifts received by the local government officer and any family member of the officer from a person described by Section 176.002(a) during the 12-month period described by Section 176.003(a)(2)(B) if the aggregate value of the gifts from

Sec. 176.005. APPLICATION TO CERTAIN EMPLOYEES. (a) The local governmental entity may extend the requirements of Sections 176.003 and 176.004 to all or a group of the employees of the local governmental entity.

(b) A local governmental entity may reprimand, suspend, or terminate the employment of an employee who fails to comply with a requirement adopted under this section.

(c) An employee of a local governmental entity commits an offense if the employee knowingly violates requirements imposed under this section. An offense under this subsection is a Class C misdemeanor.

(d) It is a defense to prosecution under Subsection ~~988.10391~~ 988.10391.

(B) holds an ownership interest of 10 percent or more;

(5) describe each affiliation or business relationship with an employee or contractor of the local governmental entity who makes recommendations to a local government officer of the local governmental entity with respect to the expenditure of money;

(6) describe each affiliation or business relationship with a person who:

(A) is a local government officer; and

(B) appoints or employs a local government officer of the local governmental entity that is the subject of the questionnaire; and

(7)

1 (f) A person commits an offense if the person violates this
2 section. An offense under this subsection is a Class C misdemeanor.

3 (g) It is a defense to prosecution under Subsection (f) that
4 the person filed the required questionnaire not later than the
5 seventh business day after the date the person received notice of
6 the violation.

7 Sec. 176.007. LIST OF GOVERNMENT OFFICERS. The records
8 administrator for a local governmental entity shall maintain a list
9 of local government officers of the entity and shall make that list
10 available to the public and any person who may be required to file a
11 questionnaire under Section 176.006.

12 Sec. 176.008. ELECTRONIC FILING. The requirements of this
13 chapter, including signature requirements, may be satisfied by
14 electronic filing in a form approved by the commission.

15 Sec. 176.009. POSTING ON INTERNET. (a) A local
16 governmental entity shall provide access to the statements and
17 questionnaires filed under this chapter on the Internet website
18 maintained by the local governmental entity.

19 (b) This subsection applies only to a county with a
20 population of 800,000 or more or a municipality with a population of
21 500,000 or more. A county or municipality shall provide, on the
22 Internet website maintained by the county or municipality, access
23 to each report of political contributions and expenditures filed
24 under Chapter 254, Election Code, by a member of the commissioners
25 court of the county or the governing body of the municipality in
26 relation to that office as soon as practicable after the officer
27 files the report.

Sec. 176.010. REQUIREMENTS CUMULATIVE. The requirements of this chapter are in addition to any other disclosure required by law.

SECTION 2. The Texas Ethics Commission shall adopt the conflicts disclosure statement and the conflict of interest questionnaire required by Chapter 176, Local Government Code, as added by this Act, not later than December 1, 2005.

SECTION 3. (a) A local government officer is not required to file a conflicts disclosure statement under Chapter 176, Local

President of the Senate

Speaker of the House

I certify that H.B. No. 914 was passed by the House on March 23, 2005, by the following vote: Yeas 145, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 914 on May 26, 2005, by the following vote: Yeas 131, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 914 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: -----

Date

Governor