

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/2019

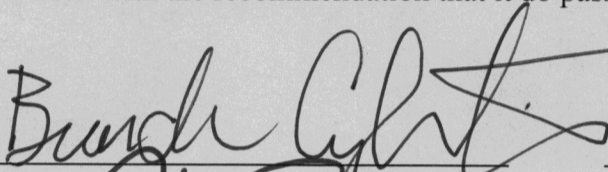
Date

Honorable Dan Patrick  
President of the Senate

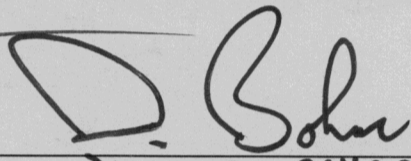
Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

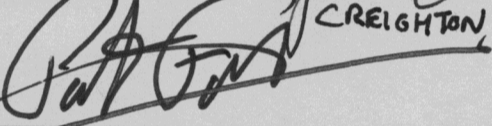
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 1495 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



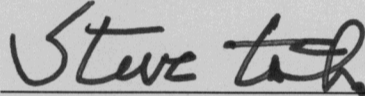
CREIGHTON



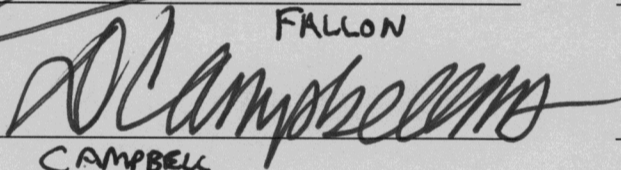
DWAYNE BOHAC



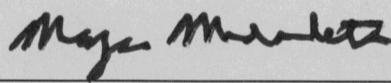
FALLON



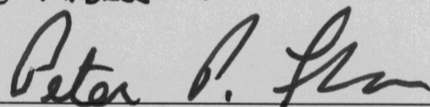
TSTH



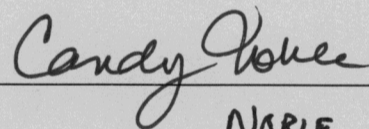
CAMPBELL



MIDDLETON



FLORES



NOBLE

On the part of the Senate

On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 1495

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the ethics of certain public officials, including  
3 certain disclosure requirements.

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

5 SECTION 1. This Act shall be cited as the J D Lambright  
6 Local Government Ethics Reform Act.

7 SECTION 2. Section 2252.908(b), Government Code, is amended  
8 to read as follows:

9 (b) This section applies only to a contract of a  
10 governmental entity or state agency that:

11 (1) requires an action or vote by the governing body of  
12 the entity or agency before the contract may be signed; ~~[or]~~

13 (2) has a value of at least \$1 million; or

14 (3) is for services that would require a person to  
15 register as a lobbyist under Chapter 305.

16 SECTION 3. Section 140.0045, Local Government Code, is  
17 amended to read as follows:

18 Sec. 140.0045. ITEMIZATION OF CERTAIN ~~[PUBLIC NOTICE]~~  
19 EXPENDITURES REQUIRED IN CERTAIN POLITICAL SUBDIVISION BUDGETS.

20 (a) Except as provided by Subsection (b), the proposed budget of a  
21 political subdivision must include, in a manner allowing for as  
22 clear a comparison as practicable between those expenditures in the  
23 proposed budget and actual expenditures for the same purpose in the  
24 preceding year, a line item indicating expenditures for:

1           (1) notices required by law to be published in a  
2 newspaper by the political subdivision or a representative of the  
3 political subdivision; and

4           (2) directly or indirectly influencing or attempting  
5 to influence the outcome of legislation or administrative action,  
6 as those terms are defined in Section 305.002, Government Code  
7 ~~[that allows as clear a comparison as practicable between those~~  
8 ~~expenditures in the proposed budget and actual expenditures for the~~  
9 ~~same purpose in the preceding year].~~

10           (b) Subsection (a)(1) ~~[This section]~~ does not apply to a  
11 junior college district.

12           SECTION 4. Section 161.001, Local Government Code, is  
13 amended to read as follows:

14           Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter  
15 applies only to:

16           (1) a county that:

17                   (A) ~~[(1)]~~ has a population of 800,000 or more;

18                   (B) ~~[(2)]~~ is located on the international  
19 border; and

20                   (C) ~~[(3)]~~ before September 1, 2009, had a county  
21 ethics board appointed by the commissioners court;

22           (2) a county that:

23                   (A) has a population of 425,000 or more;

24                   (B) is adjacent to a county with a population of  
25 3.3 million or more; and

26                   (C) contains a portion of the San Jacinto River;

27 and

1           (3) a county that has a population of less than 40,000  
2 that is adjacent to a county with a population of more than 3.3  
3 million.

4           SECTION 5. Subchapter C, Chapter 161, Local Government  
5 Code, is amended by adding Section 161.107 to read as follows:

6           Sec. 161.107. DISCLOSURE OF CERTAIN CONTRACTS. (a) The  
7 commission shall prominently display on the county's Internet  
8 website the following regarding contracts for services executed by  
9 the county that would require a person to register as a lobbyist  
10 under Chapter 305, Government Code:

11           (1) the execution dates;

12           (2) the contract duration terms, including any  
13 extension options;

14           (3) the effective dates;

15           (4) the final amount of money the county paid in the  
16 previous fiscal year;

17           (5) the identity of all parties to the contract;

18           (6) the identity of all subcontractors in the  
19 contract; and

20           (7) the legislative agenda of the county.

21           (b) In lieu of displaying the items described by Subsections  
22 (a)(1)-(6) regarding a contract for services that would require a  
23 person to register as a lobbyist under Chapter 305, Government  
24 Code, the commission may post on the county's Internet website the  
25 contract executed by the county for those services.

26           (c) Information required to be displayed on a county's  
27 Internet website under this section is public information subject

1 to disclosure under Chapter 552, Government Code.

2 SECTION 6. Chapter 170, Local Government Code, is amended  
3 by adding Section 170.002 to read as follows:

4 Sec. 170.002. CODE OF ETHICS FOR CERTAIN COMMISSIONERS  
5 COURTS. (a) This section applies to a county that has a population  
6 of less than 40,000 that is adjacent to a county with a population  
7 of more than 3.3 million.

8 (b) The commissioners court of a county subject to this  
9 section may adopt by order a code of ethics that provides standards  
10 of conduct for members of the commissioners court.

11 (c) If a commissioners court of a county subject to this  
12 section adopts a code of ethics under this section, the code of  
13 ethics must require each member of the commissioners court to file a  
14 conflicts disclosure statement that is in addition to the statement  
15 required by Section 176.003.

16 SECTION 7. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2019.

**House Bill 1495**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. This Act shall be cited as the J D Lambright Local Government Ethics Reform Act.

*No equivalent provision.*

*No equivalent provision.*

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION \_\_. Section 2252.908(b), Government Code, is amended to read as follows:

(b) This section applies only to a contract of a governmental entity or state agency that:

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; [øf]

(2) has a value of at least \$1 million; or

(3) is for services that would require a person to register as a lobbyist under Chapter 305. [FA1]

SECTION \_\_. Section 140.0045, Local Government Code, is amended to read as follows:

Sec. 140.0045. ITEMIZATION OF CERTAIN [PUBLIC NOTICE] EXPENDITURES REQUIRED IN CERTAIN POLITICAL SUBDIVISION BUDGETS. (a) Except as provided by Subsection (b), the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for:

(1) notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision; and

(2) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002, Government Code [~~that allows as clear a comparison as practicable between those expenditures in the proposed budget and~~

CONFERENCE

SECTION 1. Same as House version.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

**House Bill 1495**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

~~actual expenditures for the same purpose in the preceding year].~~

(b) Subsection (a)(1) ~~[This section]~~ does not apply to a junior college district. [FA1]

SECTION \_\_. Section 161.001, Local Government Code, *is repealed.* [FA2(1)]

SECTION 4. Same as House version.

SECTION 2. Section 161.001, Local Government Code, is *amended to read as follows:*

*Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter applies only to:*

*(1) a county that:*

*(A) ~~[(1)]~~ has a population of 800,000 or more;*

*(B) ~~[(2)]~~ is located on the international border; and*

*(C) ~~[(3)]~~ before September 1, 2009, had a county ethics board appointed by the commissioners court;*

*(2) a county that:*

*(A) has a population of 425,000 or more;*

*(B) is adjacent to a county with a population of 3.3 million or more; and*

*(C) contains a portion of the San Jacinto River; and*

*(3) a county that has a population of less than 40,000 that is adjacent to a county with a population of more than 3.3 million.*

SECTION 3. Section 161.002(8), Local Government Code, is amended to read as follows:

(8) "County public servant" means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if the person has not yet qualified for or assumed the duties of office:

(A) a county officer or county employee;

*No equivalent provision.* [Deleted by FA2(2)]

Same as Senate version.



**House Bill 1495**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

(B) a person appointed by the commissioners court or a county officer to a position on one of the following, whether the position is compensated or not:

(i) an authority, board, bureau, commission, committee, council, department, district, division, or office of the county; or

(ii) a multi-jurisdictional board;

(C) an attorney at law or notary public when participating in the performance of a governmental function; or

(D) ~~[a candidate for nomination or election to an elected county office; or~~

~~[(E)]~~ a person who is performing a governmental function under a claim of right although the person is not legally qualified or authorized to do so.

*No equivalent provision.*

SENATE VERSION (IE)

SECTION \_\_. Subchapter C, Chapter 161, Local Government Code, is amended by adding Section 161.107 to read as follows:

Sec. 161.107. DISCLOSURE OF CERTAIN

CONTRACTS. (a) The commission shall prominently display on the county's Internet website the following regarding contracts for services executed by the county that would require a person to register as a lobbyist under Chapter 305, Government Code:

- (1) the execution dates;
- (2) the contract duration terms, including any extension options;
- (3) the effective dates;
- (4) the final amount of money the county paid in the previous fiscal year;
- (5) the identity of all parties to the contract;
- (6) the identity of all subcontractors in the contract; and

CONFERENCE

SECTION 5. Same as Senate version.

**House Bill 1495**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

(7) the legislative agenda of the county.  
(b) In lieu of displaying the items described by Subsections (a)(1)-(6) regarding a contract for services that would require a person to register as a lobbyist under Chapter 305, Government Code, the commission may post on the county's Internet website the contract executed by the county for those services.  
(c) Information required to be displayed on a county's Internet website under this section is public information subject to disclosure under Chapter 552, Government Code.  
[FA1]

SECTION 4. Chapter 170, Local Government Code, is amended by adding Section 170.002 to read as follows:

Sec. 170.002. CODE OF ETHICS FOR CERTAIN COMMISSIONERS COURTS. (a) This section applies to a county that has a population of less than 40,000 that is adjacent to a county with a population of more than 3.3 million.

(b) The commissioners court of a county subject to this section may adopt by order a code of ethics that provides standards of conduct for members of the commissioners court.

(c) If a commissioners court of a county subject to this section adopts a code of ethics under this section, the code of ethics must require each member of the commissioners court to file a conflicts disclosure statement that is in addition to the statement required by Section 176.003.

SECTION 5. Effective date.

*No equivalent provision.* [Deleted by FA2(3)]

SECTION 5. Same as House version.

SECTION 6. Same as House version.

SECTION 7. Same as House version.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 25, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1495** by Toth (Relating to the ethics of certain public officials, including certain disclosure requirements.), **Conference Committee Report**

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

The bill would amend the Government Code and the Local Government Code to require the disclosure of certain contracts and certain budgeted expenses by certain government entities and to authorize commissioners courts in certain counties to adopt a code of ethics.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.


**Source Agencies:**

**LBB Staff:** WP, CMa, SD, GP, AF

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on HB 1495 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



\_\_\_\_\_  
(name)

5/25/2019  
(date)