

BILL ANALYSIS

Senate Research Center

H.B. 3021
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Intergovernmental Relations
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Engrossed

DIGEST AND PURPOSE

Currently, a director or employee of a sports and community venue districts is required to disclose a vendor relationship in a written conflicts disclosure statement filed with the board secretary. H.B. 3021 requires the disclosure of financial or business relationships by certain individuals appointed to the board, and each member of the governing body of the municipality or county that created the district.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 5, Local Government Code, by adding Chapter 176, as follows:

CHAPTER 176. DISCLOSURE OF CERTAIN RELATIONSHIPS WITH LOCAL GOVERNMENT OFFICERS

Sec. 176.001. **APPLICABILITY OF CHAPTER.** Provides that this chapter applies only to certain entities.

Sec. 176.002. **DEFINITIONS.** Defines “family member,” “local governmental entity,” and “local government officer.”

Sec. 176.003. **APPLICABILITY TO CERTAIN VENDORS AND OTHER PERSONS.**
(a) Provides that this chapter applies to a person who meets certain criteria.

(b) Provides that a person is not subject to this chapter under Subsection (a) if the person meets certain conditions.

Sec. 176.004. **CONFLICTS DISCLOSURE STATEMENT.** (a) Requires the commissioners court of a county or the governing body of a municipality to adopt a conflicts disclosure statement for local government officers of the county or municipality or the local governmental entity to which the commissioners court of the county, mayor of the municipality, or governing body of the municipality appoints a member. Requires the conflicts disclosure statement to include certain information.

(b) Requires a local government officer to file a conflicts disclosure statement with the custodian of the records of the governing body of the county, municipality, or local governmental entity not later than 5 p.m. on the first business day on which the local government officer becomes aware of the relationship between the county, municipality, or local governmental entity and the person described by Section 176.003(a) if certain conditions are met.

(c) Requires the local government officers of the local government entity, if the governing board of a local governmental entity is appointed by both the

commissioners court of a county and the mayor or governing body of a municipality, to use the conflicts disclosure statement adopted by the commissioners court.

(d) Provides that a person commits an offense if the person is a local government officer and the person fails to file the conflicts disclosure statement as required by Subsection (b). Provides that an offense under this subsection is a Class B misdemeanor.

(e) Authorizes a county or municipality to extend the requirements of this section to all or a group of the employees of the county or municipality or of a local governmental entity of the county or municipality. Authorizes a county, municipality, or local governmental entity to reprimand, suspend, or terminate an employee who fails to comply with a requirement adopted under this section.

Sec. 176.005. DISCLOSURE REQUIREMENTS FOR VENDORS AND OTHER PERSONS; QUESTIONNAIRE. (a) Provides that this section applies only to a person described by Section 176.003(a) who meets certain conditions.

(b) Requires the commissioners court of a county or the governing body of a municipality to adopt a conflict of interest questionnaire that requires disclosure of a person's affiliations or business relationships that might cause a conflict of interest.

(c) Requires a person described by Subsection (a) to file a completed conflict of interest questionnaire with the custodian of records of the county, municipality, or local governmental entity not later than the seventh day after the date that the person performs certain tasks.

(d) Requires a person described by Subsection (a) to file an updated completed questionnaire with the custodian of records of the county, municipality, or local governmental entity not later than a specified date.

(e) Provides that a contract entered into by the county, municipality, or local governmental entity and a person described by Subsection (a) is voidable if the person violates this section. Requires the contract to state the substance of this subsection.

Sec. 176.006. ELECTRONIC FILING. Authorizes the requirements of this chapter, including signature requirements, to be satisfied by electronic filing in a form approved by the county, municipality, or local governmental entity.

Sec. 176.007. POSTING ON INTERNET. Requires a county or municipality that adopts a conflicts disclosure statement and a conflict of interest questionnaire under this chapter to provide access to the statements and questionnaires filed under this chapter, including any statement or questionnaire filed in relation to a local governmental entity of the county or municipality, on the Internet website maintained by the county or municipality.

Sec. 176.008. REQUIREMENTS CUMULATIVE. Provides that the requirements of this chapter are in addition to any other disclosure required by law.

SECTION 2. Makes application of Section 176.005(e), Local Government Code, as added by this Act, prospective.

SECTION 3. Requires each county and municipality subject to Chapter 176, Local Government Code, as added by this Act, to adopt the conflicts disclosure statement and the conflict of interest questionnaire required by that chapter not later than December 31, 2003.

SECTION 4. (a) Provides that a local government officer is not required to file a conflicts

disclosure statement under Chapter 176, Local Government Code, as added by this Act, before January 1, 2004.

(b) Provides that a person described by Section 176.003(a), Local Government Code, as added by this Act, is not required to file a conflict of interest questionnaire under Chapter 176, Local Government Code, as added by this Act, before January 1, 2004.