

1-1 By: Madla S.B. No. 1661
1-2 (In the Senate - Filed March 14, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 29, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 29, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1661 By: Madla

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to communications between board members, advisory
1-11 committee members, and applicants for affordable housing funds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 2306.1113, Government Code, is amended
1-14 to read as follows:

1-15 Sec. 2306.1113. EX PARTE COMMUNICATIONS. (a) During the
1-16 period beginning on the date a project application is filed and
1-17 ending on the date the board makes a final decision with respect to
1-18 any approval of that application, a member of the board [~~or a member~~
1-19 ~~of the advisory committee established under Section 2306.1112~~] may
1-20 not communicate orally about the application with the following
1-21 persons:

1-22 (1) the applicant or a related party, as defined by
1-23 state law, including board rules, and federal law; and

1-24 (2) any person who is:

1-25 (A) active in the construction, rehabilitation,
1-26 ownership, or control of the proposed project, including:

1-27 (i) a general partner or contractor; and

1-28 (ii) a principal or affiliate of a general
1-29 partner or contractor; or

1-30 (B) employed as a lobbyist by the applicant or a
1-31 related party.

1-32 (b) Notwithstanding Subsection (a), a board member [~~or~~
1-33 ~~advisory committee member~~] may communicate with a person described
1-34 by that subsection at any board meeting or public hearing held with
1-35 respect to the application or through written communication,
1-36 excluding electronic mail and other communications via an
1-37 electronic medium such as the Internet. All such communications
1-38 are public information as defined by Section 552.002 and shall be
1-39 included in the appropriate application file.

1-40 SECTION 2. This Act takes effect September 1, 2003.

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