

SENATE AMENDMENTS

2nd Printing

By: Solomons

H.B. No. 2468

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the filing of financial statements by justices of the
3 peace and candidates for justice of the peace in certain counties.

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

5 SECTION 1. Section 159.003, Local Government Code, is
6 amended to read as follows:

7 Sec. 159.003. FINANCIAL STATEMENT REQUIRED. (a) A county
8 officer, ~~[or a]~~ candidate for a county office, justice of the peace,
9 or candidate for the office of justice of the peace shall file a
10 financial statement as required by this subchapter.

11 (b) The statement must:

12 (1) be filed with the county clerk of the county in
13 which the officer, justice, or candidate resides; and

14 (2) comply with Sections 572.022 and 572.023,
15 Government Code.

16 SECTION 2. Sections 159.004(a), (c), and (d), Local
17 Government Code, are amended to read as follows:

18 (a) A county officer or justice of the peace shall file the
19 financial statement required by this subchapter within the time
20 prescribed by Section 572.026, Government Code. A candidate for
21 office as a county officer or justice of the peace shall file the
22 financial statement required by this subchapter within the time
23 prescribed by Section 572.027, Government Code.

24 (c) A county officer or justice of the peace may request the

1 county clerk to grant an extension of time of not more than 60 days
2 for filing the statement. The county clerk shall grant the request
3 if it is received before the filing deadline or if a timely filing
4 or request for extension is prevented because of physical or mental
5 incapacity. The county clerk may not grant more than one extension
6 to a person in one year except for good cause shown.

7 (d) The county clerk may not grant an extension to a
8 candidate for office as a county officer or justice of the peace.

9 SECTION 3. Section 159.007(c), Local Government Code, is
10 amended to read as follows:

11 (c) The county clerk may, and on notification from a former
12 county officer, justice of the peace, or candidate shall, destroy
13 any financial statements filed by the officer, justice, or
14 candidate two years after the date the person ceases to be an
15 officer, justice, or candidate, as applicable.

16 SECTION 4. Section 159.0071, Local Government Code, is
17 amended to read as follows:

18 Sec. 159.0071. NOTIFICATION TO PROSECUTING ATTORNEY. The
19 county clerk of each county shall maintain a list of the county
20 officers, ~~and~~ candidates for county office, justices of the
21 peace, and candidates for the office of justice of the peace
22 required to file a financial statement under this subchapter. Not
23 later than the 10th day after each applicable filing deadline, the
24 county clerk shall provide to the county attorney or criminal
25 district attorney a copy of the list showing for each county
26 officer, ~~and~~ candidate for county office, justice of the peace,
27 and candidate for justice of the peace:

1 (1) whether the officer, justice, or candidate timely
2 filed a financial statement as required by this subchapter;

3 (2) whether the officer, justice, or candidate timely
4 requested and was granted an extension of time to file as provided
5 for by Section 159.004 and the new due date for each such officer,
6 justice, or candidate; or

7 (3) whether the officer, justice, or candidate did not
8 timely file a financial statement or receive an extension of time.

9 SECTION 5. Sections 159.008(a) and (c), Local Government
10 Code, are amended to read as follows:

11 (a) A county officer, ~~or a~~ candidate for county office,
12 justice of the peace, or candidate for the office of justice of the
13 peace commits an offense if the officer, justice, or candidate
14 knowingly fails to file a financial statement as required by this
15 subchapter.

16 (c) It is a defense to prosecution under this section that
17 the officer, justice, or candidate did not receive copies of the
18 financial statement form required to be mailed to the officer,
19 justice, or candidate by this subchapter.

20 SECTION 6. A justice of the peace or a candidate for that
21 office on the effective date of this Act must file the financial
22 statement required for county officers under Subchapter A, Chapter
23 159, Local Government Code, as amended by this Act, on the first
24 applicable financial statement filing deadline that occurs after
25 the effective date of this Act.

26 SECTION 7. This Act takes effect September 1, 2007.

ADOPTED

MAY 15 2007

Atty Gen
Secretary of the Senate

By: Solomons

H.B. No. 2468

Substitute the following for ___B. No. _____:

By: Lucio

C.S. H.B. No. 2468

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the filing of financial statements by justices of the
3 peace and candidates for justice of the peace in certain counties.

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

5 SECTION 1. Section 159.001, Local Government Code, is
6 amended to read as follows:

7 Sec. 159.001. APPLICABILITY OF SUBCHAPTER. This subchapter
8 applies only to:

9 (1) a county officer or candidate for a county office
10 of a county with a population of 100,000 or more; or

11 (2) a justice of the peace or a candidate for the
12 office of justice of the peace of a county with a population of
13 125,000 or more.

14 SECTION 2. Section 159.003, Local Government Code, is
15 amended to read as follows:

16 Sec. 159.003. FINANCIAL STATEMENT REQUIRED. (a) A county
17 officer, ~~or a~~ candidate for a county office, justice of the peace,
18 or candidate for the office of justice of the peace shall file a
19 financial statement as required by this subchapter.

20 (b) The statement must:

21 (1) be filed with the county clerk of the county in
22 which the officer, justice, or candidate resides; and

23 (2) comply with Sections 572.022 and 572.023,
24 Government Code.

1 SECTION 3. Sections 159.004(a), (c), and (d), Local
2 Government Code, are amended to read as follows:

3 (a) A county officer or justice of the peace shall file the
4 financial statement required by this subchapter within the time
5 prescribed by Section 572.026, Government Code. A candidate for
6 office as a county officer or justice of the peace shall file the
7 financial statement required by this subchapter within the time
8 prescribed by Section 572.027, Government Code.

9 (c) A county officer or justice of the peace may request the
10 county clerk to grant an extension of time of not more than 60 days
11 for filing the statement. The county clerk shall grant the request
12 if it is received before the filing deadline or if a timely filing
13 or request for extension is prevented because of physical or mental
14 incapacity. The county clerk may not grant more than one extension
15 to a person in one year except for good cause shown.

16 (d) The county clerk may not grant an extension to a
17 candidate for office as a county officer or justice of the peace.

18 SECTION 4. Section 159.007(c), Local Government Code, is
19 amended to read as follows:

20 (c) The county clerk may, and on notification from a former
21 county officer, justice of the peace, or candidate shall, destroy
22 any financial statements filed by the officer, justice, or
23 candidate two years after the date the person ceases to be an
24 officer, justice, or candidate, as applicable.

25 SECTION 5. Section 159.0071, Local Government Code, is
26 amended to read as follows:

27 Sec. 159.0071. NOTIFICATION TO PROSECUTING ATTORNEY. The

1 county clerk of each county in which a person is required to file a
2 financial statement under this chapter shall maintain a list of the
3 county officers, ~~[and]~~ candidates for county office, justices of
4 the peace, and candidates for the office of justice of the peace
5 required to file the ~~[a]~~ financial statement ~~[under this~~
6 ~~subchapter]~~. Not later than the 10th day after each applicable
7 filing deadline, the county clerk shall provide to the county
8 attorney or criminal district attorney a copy of the list showing
9 for each county officer, ~~[and]~~ candidate for county office, justice
10 of the peace, and candidate for justice of the peace:

11 (1) whether the officer, justice, or candidate timely
12 filed a financial statement as required by this subchapter;

13 (2) whether the officer, justice, or candidate timely
14 requested and was granted an extension of time to file as provided
15 for by Section 159.004 and the new due date for each such officer,
16 justice, or candidate; or

17 (3) whether the officer, justice, or candidate did not
18 timely file a financial statement or receive an extension of time.

19 SECTION 6. Sections 159.008(a) and (c), Local Government
20 Code, are amended to read as follows:

21 (a) A county officer, ~~[or a]~~ candidate for county office,
22 justice of the peace, or candidate for the office of justice of the
23 peace commits an offense if the officer, justice, or candidate
24 knowingly fails to file a financial statement as required by this
25 subchapter.

26 (c) It is a defense to prosecution under this section that
27 the officer, justice, or candidate did not receive copies of the

1 financial statement form required to be mailed to the officer,
2 justice, or candidate by this subchapter.

3 SECTION 7. A justice of the peace or a candidate for that
4 office on the effective date of this Act must file the financial
5 statement required for county officers under Subchapter A, Chapter
6 159, Local Government Code, as amended by this Act, on the first
7 applicable financial statement filing deadline that occurs after
8 the effective date of this Act.

9 SECTION 8. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 4, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2468 by Solomons (Relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to require in a county with a population of 125,000 or more, that the justice of the peace or candidate for justice of the peace file a financial statement with the county clerk, and to reflect that change in statute with regard to requirements of the county clerk's office in maintaining those records. The bill would take effect September 1, 2007.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KJG, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 2, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2468 by Solomons (Relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to add the office of justice of the peace to those offices required to file a financial statement with the county clerk, and to reflect that addition with regard to requirements of the county clerk's office in maintaining those records. The bill would take effect September 1, 2007.

Local Government Impact

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

Source Agencies:

LBB Staff: JOB, KJG, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 15, 2007

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2468 by Solomons (Relating to the filing of financial statements by justices of the peace and candidates for justice of the peace in certain counties.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB