

By: McCall

H.B. No. 4033

A BILL TO BE ENTITLED

AN ACT

relating to filing with the Texas Ethics Commission disclosure reports relating to political contributions and political expenditures made in connection with offices and measures of local governmental entities and to contracts with or attempts to influence the actions of local governmental entities.

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

SECTION 1. Chapter 305, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REPORTS RELATING TO COMMUNICATIONS

OR BUSINESS WITH LOCAL GOVERNMENTAL ENTITY

Sec. 305.051. DEFINITIONS. In this subchapter:

(1) "Conflict of interest report" means:

(A) a conflicts disclosure statement required under Section 176.003, Local Government Code; or

(B) a conflict of interest questionnaire required under Section 176.006, Local Government Code.

(2) "Local government employee" means an employee of a local governmental entity.

(3) "Local governmental entity" and "local government officer" have the meanings assigned by Section 176.001, Local Government Code.

Sec. 305.052. APPLICABILITY OF CHAPTER. Unless expressly provided by this chapter, the provisions of this chapter do not

1 apply to a person who communicates directly with a local government
2 officer or local government employee to influence an action of a
3 local governmental entity or who enters or seeks to enter into a
4 contract with a local governmental entity.

5 Sec. 305.053. FILING CONFLICT OF INTEREST REPORTS WITH
6 COMMISSION. Regardless of whether a local governmental entity has
7 entered into an intergovernmental contract authorized by
8 Subchapter G, Chapter 571, a person required to file a conflict of
9 interest report may file the report with the commission. If a local
10 governmental entity has not entered into an intergovernmental
11 contract with the commission pursuant to Subchapter G, Chapter 571,
12 a person who files a conflict of interest report with the commission
13 pursuant to this subsection must also file the report with the local
14 governmental entity.

15 Sec. 305.054. VOLUNTARY REPORTING OF EXPENDITURES TO
16 INFLUENCE LOCAL GOVERNMENTAL ACTION. (a) A person may report to
17 the commission expenditures made to communicate directly with a
18 local government officer or local government employee to influence
19 a matter that may be the subject of action by a local governmental
20 entity.

21 (b) Expenditures that are voluntarily reported pursuant to
22 this section are considered to be expenditures made and reported in
23 accordance with this chapter.

24 SECTION 2. Chapter 571, Government Code, is amended by
25 adding Subchapter G to read as follows:

26 SUBCHAPTER G. REPORTING RELATED TO
27 LOCAL GOVERNMENTAL ENTITIES AND OFFICERS

1 Sec. 571.201. PURPOSE. The purpose of this subchapter is to
2 further the objective of fully disclosing information related to
3 political contributions and political expenditures made in
4 connection with offices and measures of local governmental entities
5 and to expenditures for petitioning local governmental entities by
6 allowing a local governmental entity, a candidate for or holder of
7 an office of a local governmental entity, or a person who petitions
8 a local governmental entity to use the commission's software and
9 other commission resources to file disclosure reports of
10 contributions and expenditures, including those reports of
11 expenditures provided voluntarily under Section 305.054 or
12 required by state law or a rule or ordinance adopted by a local
13 governmental entity.

14 Sec. 571.202. DEFINITIONS. In this subchapter:

15 (1) "Communicates directly with" has the meaning
16 assigned by Section 305.002.

17 (2) "Conflict of interest report" has the meaning
18 assigned by Section 305.051.

19 (3) "Local government employee" means an employee of a
20 local governmental entity.

21 (4) "Local governmental entity" and "local government
22 officer" have the meanings assigned by Section 176.001, Local
23 Government Code.

24 (5) "Political contribution," "political
25 expenditure," and "specific-purpose committee" have the meanings
26 assigned by Section 251.001, Election Code.

27 Sec. 571.203. USE OF COMMISSION SOFTWARE AND RESOURCES.

1 (a) To fulfill the purpose of this subchapter and to facilitate
2 filing of disclosure statements and reports provided voluntarily
3 under Section 305.054 or required under state law or a rule or
4 ordinance adopted by a local governmental entity, including reports
5 of political contributions and political expenditures required
6 under Chapter 254, Election Code, financial statements required
7 under Chapters 145 and 159, Local Government Code, and conflict of
8 interest reports required under Chapter 176, Local Government Code,
9 the commission may allow the use of commission software and
10 resources by:

- 11 (1) a local governmental entity;
12 (2) a local government officer;
13 (3) a candidate for an office of a local governmental
14 entity;
15 (4) a specific-purpose committee for supporting or
16 opposing a candidate for an office of a local governmental entity,
17 assisting a local government officer, or supporting or opposing a
18 measure proposed by a local governmental entity;
19 (5) a person who enters or seeks to enter into a
20 contract with a local governmental entity; or
21 (6) a person who communicates directly with a local
22 government officer or local government employee to influence a
23 matter that may be the subject of action by a local governmental
24 entity.

25 (b) The commission may provide assistance to a local
26 governmental entity, a local government officer, a candidate for an
27 office of a local governmental entity, a specific-purpose

committee, or a person who communicates directly with a local government officer or local government employee to influence an action of a local governmental entity or who enters or seeks to enter into a contract with a local governmental entity by:

(1) developing software to facilitate electronic filing of disclosure statements and reports;

(2) accepting disclosure statements and reports for electronic filing; and

(3) providing public access through the Internet to electronic disclosure statements and reports filed with the commission by:

(A) a local governmental entity;

(B) a local government officer;

(C) a candidate for an office of a local governmental entity;

(D) a specific-purpose committee for supporting or opposing a candidate for an office of a local governmental entity, assisting a local government officer, or supporting or opposing a measure proposed by a local governmental entity;

(E) a person who enters or seeks to enter into a contract with a local governmental entity; or

(F) a person who communicates directly with a local government officer or local government employee to influence a matter that may be the subject of action by a local governmental entity.

(c) The commission may enter into an intergovernmental contract with a local governmental entity to provide the assistance

1 described by Subsection (a).

2 Sec. 571.204. APPLICABILITY OF CHAPTER TO CERTAIN ENTITIES
3 AND PERSONS. Unless expressly provided by this chapter, the
4 provisions of Subchapters A-F do not apply to the filing of a
5 disclosure statement or report under this subchapter.

6 SECTION 3. This Act takes effect September 1, 2009.