

By: Wentworth

S.B. No. 2137

A BILL TO BE ENTITLED

1 AN ACT
2 relating to filing with the Texas Ethics Commission disclosure
3 reports relating to local governmental entities and local
4 government officers.

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

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

8 SUBCHAPTER D. REPORTS RELATING TO BUSINESS WITH LOCAL GOVERNMENTAL
9 ENTITY

10 Sec. 305.051. DEFINITIONS. In this subchapter:

11 (1) "Local governmental entity" has the meaning
12 assigned by Section 176.001(3), Local Government Code.

13 (2) "Local government officer" has the meaning
14 assigned by Section 176.001(4), Local Government Code.

15 Sec. 305.052. APPLICABILITY OF CHAPTER. Unless expressly
16 provided by this chapter, the provisions of this chapter do not
17 apply to a person who communicates directly with a local government
18 officer to influence an action of a local governmental entity or who
19 enters or seeks to enter into a contract with a local governmental
20 entity.

21 Sec 305.053. FILING REPORTS WITH ETHICS COMMISSION.
22 Regardless of whether a local governmental entity has entered into
23 an intergovernmental contract authorized by Subchapter G, Chapter
24 571, Government Code, a person required to file a report under

1 Chapter 176, Local Government Code, may file the report with the
2 commission. If a local governmental entity has not entered into an
3 intergovernmental contract with the commission pursuant to
4 Subchapter G, Chapter 571, Government Code, a person who files a
5 report with the commission pursuant to this subsection must also
6 file the report with the local governmental entity.

7 Sec. 305.054. VOLUNTARY DISCLOSURE. (a) This section
8 applies to a person who communicates directly with a local
9 government officer to influence a matter that may be the subject of
10 action by a local governmental entity.

11 (b) A person described by Subsection (a) may report to the
12 commission expenditures made to communicate directly with a local
13 government officer.

14 (c) Expenditures that are voluntarily disclosed pursuant to
15 this section are considered to be expenditures made and reported in
16 accordance with this chapter.

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

19 SUBCHAPTER G. REPORTING RELATED TO LOCAL GOVERNMENTAL ENTITIES AND
20 LOCAL GOVERNMENT OFFICERS

21 Sec. 571.201. PURPOSE. The purpose of this subchapter is to
22 further the objective of fully disclosing information related to
23 expenditures and contributions for elections and for petitioning
24 the government by allowing a local governmental entity or persons
25 who petition a local governmental entity to utilize the
26 commission's software and other commission resources to file
27 disclosure reports of expenditures and contributions, including

1 those disclosure reports provided voluntarily under Section
2 305.054, Government Code, or required by state law or a rule,
3 regulation, or ordinance adopted by a local governmental entity.

4 Sec. 571.202. DEFINITIONS. In this subchapter:

5 (1) "Local governmental entity" has the meaning
6 assigned by Section 176.001(3), Local Government Code.

7 (2) "Local government officer" has the meaning
8 assigned by Section 176.001(4), Local Government Code.

9 (3) "Communicates directly with" has the meaning
10 assigned by Section 305.002(2), Government Code.

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

12 (a) To fulfill the purpose of this subchapter and to facilitate
13 filing of disclosure reports provided voluntarily under Section
14 305.054, Government Code, or required under state law or a rule,
15 regulation, or ordinance adopted by a local governmental entity,
16 including those reports required under Chapters 145, 159, and 176,
17 Local Government Code, the commission may allow the use of
18 commission software and resources by:

19 (1) a local governmental entity;

20 (2) a local government officer;

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

23 (4) a person who communicates directly with a local
24 government officer to influence a matter that may be the subject of
25 action by a local governmental entity.

26 (b) The commission may provide assistance to a local
27 governmental entity, a local government officer, or a person who

1 communicates directly with a local government officer to influence
2 an action of a local governmental entity or who enters or seeks to
3 enter into a contract with a local governmental entity by:

4 (1) developing software to facilitate electronic
5 filing of disclosure reports;

6 (2) accepting disclosure reports for electronic
7 filing;

8 (3) providing public access through the Internet to
9 electronic reports filed with the commission by:

10 (A) a local governmental entity;

11 (B) a local government officer;

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

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

16 (E) a person who communicates directly with a
17 local government officer to influence a matter that may be the
18 subject of action by a local governmental entity.

19 (c) The commission may enter into an intergovernmental
20 contract with a local governmental entity to provide the assistance
21 described by Subsection (a).

22 (d) The commission may adopt rules to implement this
23 section.

24 Sec. 571.204. APPLICABILITY OF CHAPTER TO CERTAIN ENTITIES
25 AND PERSONS. Unless expressly provided by this chapter, the
26 provisions of this chapter do not apply to:

27 (1) a local governmental entity;

- 1 (2) a local government officer;
2 (3) a candidate for an office of a local governmental
3 entity;
4 (4) a person who enters or seeks to enter into a
5 contract with a local governmental entity; or
6 (5) a person who communicates directly with a local
7 government officer to influence a matter that may be the subject of
8 action by a local governmental entity.

9 SECTION 3. This Act takes effect on September 1, 2009.