

By: Kolkhorst

S.B. No. 852

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the disclosure of interested parties by persons
3 contracting with governmental entities and state agencies.

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

5 SECTION 1. Subchapter Z, Chapter 2252, Government Code, is
6 amended by adding Section 2252.908 to read as follows:

7 Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES. (a) In
8 this section:

9 (1) "Governmental entity" means a municipality,
10 county, public school district, or special-purpose district or
11 authority.

12 (2) "Interested party" means each person who benefits
13 financially from a contract, including a person who has a legal or
14 equitable interest in the contract or a contracting person or a
15 person who serves as a broker, intermediary, director, adviser, or
16 attorney for, or otherwise actively participates in, a contract.

17 (3) "State agency" means a board, commission, office,
18 department, or other agency in the executive, judicial, or
19 legislative branch of state government. The term includes an
20 institution of higher education as defined by Section 61.003,
21 Education Code.

22 (b) This section applies only to a contract of a
23 governmental entity or state agency that:

24 (1) requires an action or vote by the governing body of

1 the entity or agency before the contract may be signed; or

2 (2) has a value of at least \$1 million.

3 (c) A governmental entity or state agency may not enter into
4 a contract described by Subsection (b) with a person unless the
5 person, in accordance with this section and rules adopted under
6 this section, submits a disclosure of interested parties to the
7 governmental entity or state agency at the time the person submits
8 the signed contract to the entity or agency.

9 (d) The disclosure of interested parties must be submitted
10 on a form prescribed by the Texas Ethics Commission that includes:

11 (1) a list of each interested party for the contract of
12 which the contracting person is aware; and

13 (2) the signature of the contracting person, or of the
14 authorized agent of the contracting person who is signing for the
15 contracting person, acknowledging that the disclosure is made under
16 oath under penalty of perjury.

17 (e) Not later than the 30th day after the date the
18 governmental entity or state agency receives a disclosure of
19 interested parties required under this section, the governmental
20 entity or state agency shall submit a copy of the disclosure to the
21 Texas Ethics Commission.

22 (f) The Texas Ethics Commission shall adopt rules necessary
23 to implement this section, prescribe the disclosure of interested
24 parties form, and post a copy of the form on the commission's
25 Internet website.

26 SECTION 2. (a) Not later than December 1, 2015, the Texas
27 Ethics Commission shall adopt the rules, prescribe the disclosure

1 of interested parties form, and post the form on the commission's
2 Internet website as required by Section 2252.908, Government Code,
3 as added by this Act.

4 (b) Section 2252.908, Government Code, as added by this Act,
5 applies only to a contract entered into on or after January 1, 2016.

6 SECTION 3. This Act takes effect September 1, 2015.