

By: Toth, et al.

H.B. No. 1495

A BILL TO BE ENTITLED

AN ACT

relating to authorization for the creation of a county ethics commission in certain counties and to authorizing counties to adopt a code of ethics for their commissioners courts.

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

SECTION 1. This Act shall be cited as the J D Lambright Local Government Ethics Reform Act.

SECTION 2. Section 161.001, Local Government Code, is amended to read as follows:

Sec. 161.001. APPLICABILITY OF CHAPTER. This chapter applies only to:

(1) a county that:

(A) ~~[(1)]~~ has a population of 800,000 or more;

(B) ~~[(2)]~~ is located on the international border; and

(C) ~~[(3)]~~ before September 1, 2009, had a county ethics board appointed by the commissioners court;

(2) a county that:

(A) has a population of 425,000 or more;

(B) is adjacent to a county with a population of 3.3 million or more; and

(C) contains a portion of the San Jacinto River; and

(3) a county that has a population of less than 40,000

1 that is adjacent to a county with a population of more than 3.3
2 million.

3 SECTION 3. Section 161.002(8), Local Government Code, is
4 amended to read as follows:

5 (8) "County public servant" means a person elected,
6 selected, appointed, employed, or otherwise designated as one of
7 the following, even if the person has not yet qualified for or
8 assumed the duties of office:

9 (A) a county officer or county employee;

10 (B) a person appointed by the commissioners court
11 or a county officer to a position on one of the following, whether
12 the position is compensated or not:

13 (i) an authority, board, bureau,
14 commission, committee, council, department, district, division, or
15 office of the county; or

16 (ii) a multi-jurisdictional board;

17 (C) an attorney at law or notary public when
18 participating in the performance of a governmental function; or

19 (D) ~~[a candidate for nomination or election to an~~
20 ~~elected county office; or~~

21 ~~[(E)]~~ a person who is performing a governmental
22 function under a claim of right although the person is not legally
23 qualified or authorized to do so.

24 SECTION 4. Chapter 170, Local Government Code, is amended
25 by adding Section 170.002 to read as follows:

26 Sec. 170.002. CODE OF ETHICS FOR CERTAIN COMMISSIONERS
27 COURTS. (a) This section applies to a county that has a population

1 of less than 40,000 that is adjacent to a county with a population
2 of more than 3.3 million.

3 (b) The commissioners court of a county subject to this
4 section may adopt by order a code of ethics that provides standards
5 of conduct for members of the commissioners court.

6 (c) If a commissioners court of a county subject to this
7 section adopts a code of ethics under this section, the code of
8 ethics must require each member of the commissioners court to file a
9 conflicts disclosure statement that is in addition to the statement
10 required by Section [176.003](#).

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section [39](#), Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2019.