

House Bill 1495
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(A) a county officer or county employee;

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION __. ~~Section 161.001, Local Government Code, is repealed.~~ [FA2(1)]

~~No equivalent provision.~~ SECTION 3. Section 161.002(8), Local Government Code, is amended. [Deleted by FA2(2)]

CONFERENCE

House Bill 1495
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(ii) a multi-jurisdictional board;

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

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

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

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

Sec. 170.002. CODE OF ETHICS FOR CERTAIN COMMISSIONERS COURTS. (a) This section applies to a county that has a population of less than 40,000 that is adjacent to a county with a population of more than 3.3 million.

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

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

SENATE VERSION (IE)

CONFERENCE

~~No equivalent provision.~~ SECTION 4. Chapter 170, Local Government Code, is amended by adding Section 170.002.[Deleted by FA2(3)]

House Bill 1495
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

No equivalent provision.

SENATE VERSION (IE)

SECTION 5. Same as House version.

SECTION __. Subchapter C, Chapter 161, Local Government Code, is amended by adding Section 161.107 to read as follows:

Sec. 161.107. DISCLOSURE OF CERTAIN CONTRACTS. (a) The commission shall prominently display on the county's Internet website the following regarding contracts for services executed by the county that would require a person to register as a lobbyist under Chapter 305, Government Code:

- (1) the execution dates;
- (2) the contract duration terms, including any extension options;
- (3) the effective dates;
- (4) the final amount of money the county paid in the previous fiscal year;
- (5) the identity of all parties to the contract;
- (6) the identity of all subcontractors in the contract; and
- (7) the legislative agenda of the county.

(b) In lieu of displaying the items described by Subsections (a)(1)-(6) regarding a contract for services that would require a person to register as a lobbyist under Chapter 305, Government Code, the commission may post on the county's

CONFERENCE

House Bill 1495
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

Internet website the contract executed by the county for those services.

(c) Information required to be displayed on a county's Internet website under this section is public information subject to disclosure under Chapter 552, Government Code. [FA1]

No equivalent provision.

SECTION __. Section 2252.908(b), Government Code, is amended to read as follows:

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

(1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; ~~[or]~~

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

(3) is for services that would require a person to register as a lobbyist under Chapter 305. [FA1]

No equivalent provision.

SECTION __. Section 140.0045, Local Government Code, is amended to read as follows:

Sec. 140.0045. ITEMIZATION OF CERTAIN ~~[PUBLIC NOTICE]~~ EXPENDITURES REQUIRED IN CERTAIN POLITICAL SUBDIVISION BUDGETS. (a) Except as provided by Subsection (b), the proposed budget of a political subdivision must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for:

House Bill 1495
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

- (1) notices required by law to be published in a newspaper by the political subdivision or a representative of the political subdivision; and
- (2) directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002, Government Code ~~[that allows as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year].~~
- (b) Subsection (a)(1) ~~[This section]~~ does not apply to a junior college district. [FA1]