

CHAPTER 474

H.B. No. 790

AN ACT

relating to the authority of certain counties to require and regulate the filing of financial reports by county officials, precinct officials, county judicial officials, candidates for those offices, and county employees; providing civil and criminal penalties.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. DEFINITIONS. In this Act:

(1) "County official" means a county judge, county commissioner, sheriff, county attorney, district attorney, criminal district attorney, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, and county purchasing agent.

(2) "Precinct official" means a constable.

(3) "County judicial official" means a judge of a statutory county court, justice of the peace, and a master, magistrate, or referee appointed by one of those judges.

(4) "County employee" means a county employee other than those listed by Subdivisions (1), (2), and (3) of this section.

SECTION 2. APPLICATION. This Act applies only to counties with a population of 125,000 or more, according to the most recent federal census.

SECTION 3. FINANCIAL DISCLOSURE REPORTING SYSTEM. (a) The commissioners court of a county covered by this Act may adopt by order a financial disclosure reporting system for county officials, precinct officials, county judicial officials, candidates for those offices, and county employees.

(b) The commissioners court shall prescribe the items required to be reported and the times the report is due.

(c) If reporting is required, the commissioners court may not restrict the reporting requirement to a limited portion of each class of officials defined by Section 1 of this Act but must require reporting by all persons included in that class of officials. However, the commissioners court may restrict the reporting requirement to a limited portion of county employees if all employees with similar jobs are required to report.

(d) The commissioners court may require the report to be filed with the clerk of the commissioners court, the county auditor, or any other county official. However, the commissioners court may require the report to be filed with the county clerk or other elected county official only if the county clerk or elected county official consents to the imposition of that duty. The commissioners court may contract with the secretary of state for the filing of reports under this Act.

(e) The commissioners court may not require records filed under this Act to be maintained for more than one year and may require the authority with whom the records are filed to destroy the records after one year.

(f) A person required by order of the commissioners court to file a report under this Act is considered to have complied with the order if the person files with the authority prescribed by the commissioners court a report that complies with the requirements of Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes).

SECTION 4. CIVIL PENALTY. (a) If a report is determined to be late, the person responsible for filing the report is civilly liable to the county for \$100. The county attorney or criminal district attorney with civil jurisdiction may not initiate suit for the penalty until the 10th day after the date a notice concerning the late report is mailed to the person. If the report is filed and the penalty is paid before the 10th day after the mailing, the authority with whom the report is filed shall notify the county attorney or criminal district attorney, and the civil suit under this section may not be initiated.

(b) A penalty paid under this section shall be deposited to the credit of the general fund of the county.

SECTION 5. FAILURE TO FILE; PENALTY. (a) An official, candidate, or employee required to file a report by an order adopted under this Act commits an offense if the person knowingly fails to file the report as required by the order.

(b) An offense under this section is a Class B misdemeanor.

(c) It is a defense to prosecution under this section that the person has filed the required report and paid a civil penalty as provided by Section 4 of this Act.

SECTION 6. EFFECTIVE DATE. (a) This Act takes effect January 1, 1988.

(b) A person who is a county official, precinct official, or county judicial official on the effective date of this Act is not required to file the report required by an order adopted under this Act for that person's current term of office until that person is required to file as a candidate.

SECTION 7. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 790 on May 26, 1987, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 790 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 21, 1987, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 790 on June 1, 1987, by a viva-voce vote.

Approved June 17, 1987.

Effective Jan. 1, 1988.