

Chapter 176 of the Local Government Code, adopted in 2005 through House Bill 914 and amended in 2007 by House Bill 1491, requires members of the governing body and executive officers of local government entities to file a conflicts disclosure statement relating to a person that the governmental entity has contracted with or is considering contracting with if the local officer or her family members have certain business relationships with that person. **It also requires a person who contracts or seeks to contract with the local governmental entity to file a completed questionnaire disclosing the person's affiliations and business relationships with each member of the governing body** and executive officer of the entity. The disclosure forms are prepared by the Texas Ethics Commission, available at [www.ethics.state.tx.us/whatsnew/conflict\\_forms.htm](http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm), and these must be filed by the entity's records administrator **and posted on the internet**. House Bill 1491 narrowed the scope of the chapter in some aspects by setting thresholds for its application and also in many aspects codified Attorney General Opinion GA-446 (2006), a long opinion which should be reviewed along with the forms above for specific questions about this chapter.

**SECTION 7. Section 176.009(a), Local Government Code, is amended to read as follows:**

**(a) A local governmental entity that maintains an Internet website shall provide access to the statements and to questionnaires required to be filed under this chapter on that [the Internet] website [maintained by the local governmental entity]. This subsection does not require a local governmental entity to maintain an Internet website.**

## **25. May a person be charged with a crime if the official violates the conflict of interest laws?**

Yes, Chapter 171 of the Local Government Code provides four situations in which a public official may be prosecuted for his or her actions or inaction regarding a conflict of interest.<sup>62</sup>

Specifically,

a local official can be prosecuted for:

1) Failure to File an Affidavit Noting a Conflict: Failing to file an affidavit with the official record keeper noting the official's substantial interest in an item if such a filing is required by Local Government Code Section 171.004;<sup>63</sup>

2) Participating in Discussions Regarding an Item for Which There is a Conflict:  
Discussing or otherwise participating on an item if such participation is prohibited under Local Government Code Section 171.004 due to a conflict of interest on that item;<sup>64</sup>