

AN ACT

relating to the postemployment activities of certain local government officers in certain counties; providing a penalty.

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

SECTION 1. Chapter 171, Local Government Code, is amended by adding Section 171.011 to read as follows:

Sec. 171.011. REPRESENTATION BY FORMER LOCAL GOVERNMENT OFFICERS OF CERTAIN COUNTIES RESTRICTED; CRIMINAL OFFENSE.

(a) This section applies only to a county with a population of 3.3 million or more.

(b) In this section:

(1) "Local government officer" means:

(A) a member of the commissioners court or other officer of a county to which this section applies;

(B) an officer of a precinct of a county to which this section applies; or

(C) a member of the governing body or other officer of a flood control district or a hospital district, any part of which is located in a county to which this section applies.

(2) "Participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.

(3) "Particular matter" means a specific investigation, application, request for a ruling or determination,

1 rulemaking proceeding, contract, claim, charge, accusation,
2 arrest, or judicial or other proceeding.

3 (c) A former local government officer may not make any
4 communication to or appearance before an officer or employee of the
5 governing body on or under which the former local government
6 officer served before the second anniversary of the date the local
7 government officer ceased to serve on or under the governing body if
8 the communication or appearance is made:

9 (1) with the intent to influence; and

10 (2) on behalf of any person in connection with any
11 matter on which the person seeks official action.

12 (d) A former local government officer may not represent any
13 person or receive compensation for services rendered on behalf of
14 any person regarding a particular matter in which the former local
15 government officer participated during the period of service as a
16 local government officer.

17 (e) A person commits an offense if the person violates this
18 section. An offense under this subsection is a Class C misdemeanor.

19 SECTION 2. The change in law made by Subsection (d), Section
20 171.011, Local Government Code, as added by this Act, applies only
21 to a person who ceases service as a local government officer on or
22 after the effective date of this Act. A person who ceased service
23 as a local government officer before the effective date of this Act
24 is governed by the law in effect when the person ceased service, and
25 the former law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2468 passed the Senate on May 5, 2009, by the following vote: Yeas 31, Nays 0; May 29, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2468 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 135, Nays 13, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor