

acknowledged in

DEC 23 2019

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Carla Hester

TODAY'S DATE: 12-13-19

DEPARTMENT: County Judge's Office

SIGNATURE OF DEPARTMENT HEAD:

Roan Harmon

REQUESTED AGENDA DATE: December 23, 2019

SPECIFIC AGENDA WORDING: Acknowledgement of County Judge Responding to Letter Dated December 2, 2019 from Texas State Representative Mayes Middleton, District 23, that Requests Disclosures Required Under Government Code *Section 2254.030* and Disclosures of Beneficial Interests Required Under Government Code *Section 2252.908(b)* Regarding Lobbying Activities

PERSON(S) TO PRESENT ITEM: Judge Harmon

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 5 min.

ACTION ITEM: _____

WORKSHOP _____

(Anticipated number of minutes needed to discuss item)

CONSENT: _____

EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: X

IT DEPARTMENT: _____

AUDITOR: _____

PURCHASING DEPARTMENT: _____

PERSONNEL: _____

PUBLIC WORKS: _____

BUDGET COORDINATOR: _____

OTHER: _____

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____

Date _____

ROGER HARMON
JOHNSON COUNTY JUDGE

Carla Hester, Administrative Assistant
Rexann Knowles, Budget Coordinator



Abby Nino, Secretary
Amber Neathery, Receptionist

#2 Main St – Johnson County Courthouse, Cleburne, Texas 76033

December 23, 2019

The Honorable Mayes Middleton
Texas House of Representatives, District 23
PO Box 2910
Austin, TX 78768-2910

Dear Mr. Middleton,

I have enclosed a copy of the letter from your office dated December 2, 2019, which Johnson County received on December 12, 2019. In your letter you request "disclosures required under Government Code Section 2254.030 for the time period of January 1, 2010 to present day that fall under the requirements of Senate Bill 65 and also any disclosures of beneficial interests required under Government Code Section 2252.908(b) from June 14, 2019 to present".

Johnson County does not have any documents to produce in regards to either of the requests above.

Thank you,

A handwritten signature in black ink, appearing to read "Roger Harmon", is written over a horizontal line.

Roger Harmon
County Judge, Johnson County



MAYES MIDDLETON



STATE REPRESENTATIVE • DISTRICT 23

December 2, 2019

County Judge Roger Harmon

In the 86th Regular Session, the Legislature passed Senate Bill 65 which requires any political subdivision that has ever contracted with a state agency for consulting services to disclose and itemize a number of things related to their lobbying activities, including:

- Contract details such as the execution date, effective date, and length of the contract;
- Cost of the contracts associated with lobby services;
- List of all legislation advocated on, for, or against by all parties or subcontractors the firm hired for lobbying services—including the positions taken on each piece of legislation;
- A copy of the contract used to hire a firm or individual for lobbying services; and
- Disclosure of interested parties for any contracts for services which would require a person to register as a lobbyist.

With the exception of the interested parties' disclosure under Government Code Sec. 2252.908(b), the disclosure requirements under SB 65 are retroactive. This means the disclosure requirements apply to contracts entered into by a political subdivision before, on, or after the effective date of this act, September 1, 2019.

In addition to the required disclosures on your website, I request that you produce to my Capitol Office (at the below address) the disclosures required under Government Code Section 2254.030 for the time period of January 1, 2010 to present day that fall under the requirements of Senate Bill 65.¹ Additionally, I request that you produce to my Capitol Office any disclosures of beneficial interests required under Government Code Section 2252.908(b) from June 14, 2019 to present.²

Sincerely,

A handwritten signature in black ink that reads "Mayes Middleton".

Mayes Middleton,
Texas State Representative
House District 23

CAPITOL OFFICE: P.O. BOX 2910 • AUSTIN, TEXAS 78768-2910 • (512) 463-0502 • FAX (512) 936-4260
GALVESTON: 2101 MECHANIC STREET, SUITE 245 • GALVESTON, TEXAS 77550
WALLISVILLE: 20136 B I-10, WALLISVILLE, TEXAS 77597 • (MAIL) P.O. BOX 15, WALLISVILLE, TEXAS 77597
MAYES.MIDDLETON@HOUSE.TEXAS.GOV

¹Sec. 2254.030. REQUIRED DISCLOSURE AND ITEMIZATION OF CERTAIN EXPENDITURES RELATING TO LOBBYING ACTIVITIES AFTER ENTERING INTO A CONSULTING SERVICES CONTRACT. (a) A political subdivision that enters or has entered into a contract for consulting services with a state agency, regardless of whether the term of the contract has expired, shall prominently display on the political subdivision's Internet website the following regarding contracts for services that would require a person to register as a lobbyist under Chapter 305:

- (1) the execution dates;
- (2) the contract duration terms, including any extension options;
- (3) the effective dates;
- (4) the final amount of money the political subdivision paid in the previous fiscal year; and
- (5) a list of all legislation advocated for, on, or against by all parties and subcontractors to the contract, including the position taken on each piece of legislation in the prior fiscal year.

(b) In lieu of displaying the items described by Subsections (a)(1)-(5) regarding a contract for services that would require a person to register as a lobbyist under Chapter 305, a political subdivision may post on the political subdivision's Internet website the contract for those services.

(c) Information required to be displayed on a political subdivision's Internet website under this section is public information subject to disclosure under Chapter 552.

(d) The proposed budget of a political subdivision described by Subsection (a) 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 directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Section 305.002.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1035, Sec. 10, eff. June 19, 1997; Acts 1999, 76th Leg., ch. 1467, Sec. 1.30, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 953 (S.B. 65), Sec. 21(a), eff. September 1, 2019.

² Sec. 2252.908. DISCLOSURE OF INTERESTED PARTIES. (a) In this section:

(1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.

(2) "Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.

(3) "Interested party" means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.

(4) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(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;

(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.

(c) Notwithstanding Subsection (b), this section does not apply to:

(1) a sponsored research contract of an institution of higher education;

(2) an interagency contract of a state agency or an institution of higher education;

(3) a contract related to health and human services if:

(A) the value of the contract cannot be determined at the time the contract is executed; and

(B) any qualified vendor is eligible for the contract;

(4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;

(5) a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code; or

(6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.

(d) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.

(e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

(1) a list of each interested party for the contract of which the contracting business entity is aware; and

(2) a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury that is in substantially the following form:

"My name is _____, my
date of birth is _____, and my address is

_____, _____, _____, _____,
(Street) (City) (State) (Zip Code)

_____. I declare under penalty of
(Country)

perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of
_____, _____.

(Month) (Year)

Declarant".

(f) Not later than the 30th day after the date the governmental entity or state agency receives a disclosure of interested parties required under this section, the governmental entity or state agency shall submit a copy of the disclosure to the Texas Ethics Commission.

(g) The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's internet website.

Added by Acts 2015, 84th Leg., R.S., Ch. 1024 (H.B. 1295), Sec. 3, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 526 (S.B. 255), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 953 (S.B. 65), Sec. 17, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1070 (H.B. 1495), Sec. 2, eff. June 14, 2019.