

# AGREEMENT TO PROVIDE PSYCHIATRIC SERVICES

This Agreement is made and entered into by and between **Texas Woman’s University**, a public University organized under Chapter 107 of the Texas Education Code, whose main office address is at 304 Administration Dr., Denton, Texas 76204 ("University"), for and on behalf of Counseling and Psychological Services (CAPS) (“DEPARTMENT”), and **Name of Company/Doctor** (“Psychiatrist”) with its principal place of business at Address, City, State, Zip ("Contractor"), effective as of Date (“Effective Date”).

University and Contractor hereby agree as follows:

1. **Contractor Services.** Contractor will provide the services as set forth in **Exhibit A**, Statement of Work, attached hereto and incorporated for all purposes (“the Services”), to the satisfaction of University.
2. **Compensation.** As consideration for the Services satisfactorily provided and/or performed by the Contractor, University will pay the Contractor an amount not to exceed $ 200.00 per hour (“Fee”), during the Term. Payment for services performed will be processed within thirty (30) days of receipt and approval of invoice. Notwithstanding anything contained herein, no payment of amounts owed hereunder shall be considered past due or not paid when due except in accordance with Section 2251.021 of the Texas Government Code.

## Invoicing:

Contractor will submit monthly invoices to University. The invoices must be accompanied by a Time/Work Schedule for each Contractor employee contributing to hours billed.

The Time/Work Schedule will contain the following information:

1. Name of individual performing the work;
2. Description of work performed and related Objective in Exhibit A; and
3. Date and number of hours worked.

Each invoice will be accompanied by documentation that University may reasonably request to support the invoice amount. University will, within thirty (30) days from the date it receives an invoice and supporting documentation, approve or disapprove the amount reflected in the invoice. If University approves the amount or any portion of the amount, University will promptly pay to Contractor the amount approved so long as Contractor is not in default under this Agreement.

* 1. **Duty to Maintain Records.** Contractor shall maintain adequate records to support its charges, procedures, and performance to University for all worked related to this Agreement to ensure proper accounting for all costs and performances related to this Agreement.
1. **Term.** This term of this Agreement shall be from **Date - Date** (“Term”) unless earlier terminated in accordance with Section 8.

## Licenses, Permits, Taxes, Fees, Laws and Regulations.

* 1. Contractor warrants that it will obtain, maintain in effect, and pay the cost for all licenses, permits, or certifications that may be necessary for Contractor's performance of this Agreement.
	2. Contractor will be responsible for the payment of all taxes, excises, fees, payroll deductions, employee benefits (if any), fines, penalties or other payments required by federal, state, or local law or regulation in connection with Contractor's performance of this Agreement.
	3. Contractor will comply with, and will be responsible for requiring its officers and employees to comply with, all applicable federal, state, and local laws and regulations; applicable TWU board policies and relevant TWU procedures.
	4. Contractor agrees that pursuant to Texas Education Code §51.9335(h), in any contract for the acquisition of goods or services to which University is a party, any provision required by applicable law to be included in the Agreement is considered to be part of the Agreement whether or not the provision appears on the face of the Agreement, even if the Agreement contains any provision to the contrary.

## Ownership and Use of Work Material.

* 1. All, data, records, photographs, tape recordings, publications, statements, accounts, reports, studies, and other materials prepared by Contractor in connection with the Services (collectively, "**Work Material**"), whether or not accepted or rejected by University, are the sole property of University and for its exclusive use and re-use at any time without further compensation and without any restrictions.
	2. Contractor grants and assigns to University all rights and claims of whatever nature and whether now or hereafter arising in and to the Work Material and will cooperate fully with University in any steps University may take to obtain or enforce patent, copyright, trademark or like protections with respect to the Work Material.
	3. Contractor will deliver all Work Material to University upon expiration or termination of this Agreement. University will have the right to use the Work Material for the completion of the Services or otherwise. University may, at all times, retain the originals of the Work Material. The Work Material will not be used by any person or organization other than University on other projects unless expressly authorized by University in writing.
	4. The Work Material will not be used or published by Contractor or any other party unless expressly authorized by University in writing. Contractor will treat all Work Material as confidential.

## Confidentiality and Safeguarding of University Records; Press Releases; Public Information.

* 1. Under this Agreement, Contractor may (1) create, (2) receive from or on behalf of University, or (3) have access to, records or record systems (collectively, “**University Records**”). Among other things, University Records may contain social security numbers, credit card numbers, or data protected or made confidential

or sensitive by applicable federal, state and local, laws, regulations, and ordinances, including the Gramm- Leach-Bliley Act (Public Law No: 106-102) and the Family Educational Rights and Privacy Act, 20

U.S.C. §1232g (“**FERPA**”). If University Records are subject to FERPA, (1) University designates Contractor as a University official with a legitimate educational interest in University Records, and (2) Contractor acknowledges that its improper disclosure or redisclosure of personally identifiable information from University Records will result in Contractor’s exclusion from eligibility to contract with University for at least five (5) years. Contractor represents, warrants, and agrees that it will: (1) hold University Records in strict confidence and will not use or disclose University Records except as (a)permitted or required by this Agreement, (b) required by law, or (c) otherwise authorized by University in writing; (2) safeguard University Records according to commercially reasonable administrative, physical and technical standards (such as standards established by (i) the National Institute of Standards and Technology and (ii) the Center for Internet Security, the Gramm-Leach-Bliley Act, as well as the Payment Card Industry Data Security Standards) that are no less rigorous than best practices in the data security industry; (3) continually monitor its operations and take any action necessary to assure that University Records are safeguarded and the confidentiality of University Records is maintained in accordance with all applicable federal, state and local, laws, regulations, and ordinances, including FERPA and the Gramm-Leach Bliley Act, and the terms of this Agreement; and (4) comply with the University’s rules, policies, and procedures regarding access to and use of University’s computer systems. At the request of University, Contractor agrees to provide University with a written summary of the procedures Contractor uses to safeguard and maintain the confidentiality of University Records.

* + 1. **Notice of Impermissible Use.** If an impermissible use or disclosure of any University Records occurs, Contractor will provide written notice to University within one (1) business day after Contractor’s discovery of that use or disclosure. Contractor will promptly provide University with all information requested by University regarding the impermissible use or disclosure.
		2. **Return of University Records.** Contractor agrees that within thirty (30) days after the expiration or termination of this Agreement, for any reason, all University Records created or received from or on behalf of University will be (1) returned to University, with no copies retained by Contractor; or (2) if return is not feasible, destroyed. Twenty (20) days before destruction of any University Records, Contractor will provide University with written notice of Contractor’s intent to destroy University Records. Within five

(5) days after destruction, Contractor will confirm to University in writing the destruction of University Records.

* + 1. **Disclosure.** If Contractor discloses any University Records to a permitted subcontractor or agent, Contractor will require the permitted subcontractor or agent to comply with the same restrictions and obligations as are imposed on Contractor by this Section.
		2. **Public Information.** University strictly adheres to all statutes, court decisions and the opinions of the Texas Attorney General with respect to disclosure of public information under the *Texas Public Information Act*, Chapter 552, *Texas Government Code*.
		3. **Termination.** In addition to any other termination rights set forth in this Agreement and any other rights at law or equity, if University reasonably determines that Contractor has breached any of the restrictions or obligations set forth in this Section, University may immediately terminate this Agreement without notice or opportunity to cure.
		4. **Duration.** The restrictions and obligations under this Section will survive expiration or termination of this Agreement for any reason.
1. **Independent Contractor.** For all purposes of this Agreement and notwithstanding any provision of this Agreement to the contrary, Contractor is an independent contractor and is not a state employee, partner, joint venturer, or agent of University. Contractor will not bind nor attempt to bind University to any agreement or contract. As an independent contractor, Contractor is solely responsible for all taxes, withholdings, and other statutory or contractual obligations of any sort, including but not limited to workers’ compensation insurance.

## Termination.

* 1. This Agreement may be terminated for convenience by either Party with or without cause upon ten (10) days prior written notice to the other Party. In the event of termination without cause, University shall pay the Contractor any undisputed amounts not previously paid for Services actually performed in accordance with specifications in the Scope of Work, up to the date of termination.
	2. Performance of this Agreement is contingent upon the availability of appropriated funds from the Texas State Legislature or allocation of funds by the TWU Board of Regents. University shall have the right to cancel the Agreement at the end of the current fiscal year if funds are not allotted by the Board for the next fiscal year to continue the Agreement or funds are not appropriated by the Legislature. If funds are withdrawn or do not become available, University reserves the right to terminate the Agreement by giving the Contractor a ten (10) day written notice of cancellation without penalty. Upon cancellation, University shall be responsible only for payment for services performed up to the date of termination. The TWU fiscal year begins on September 1 and ends on August 31st.
	3. This Agreement may be terminated by either Party in the event of breach of this Agreement. A breach occurs when either Party fails to perform its obligations under this Agreement or fails to comply with the terms of this Agreement. In the event of a breach, the Party claiming such breach shall provide the other Party with written notice of such breach setting forth the basis for such claim of breach. The breaching Party shall have thirty (30) days from the receipt of the notice of breach to cure such breach. If the breaching Party fails to cure the breach within thirty (30) days of receipt of the notice, the aggrieved Party shall have the right to terminate the Agreement immediately and pursue any remedies available under law for breach of contract.
1. **Indemnification. CONTRACTOR AGREES TO INDEMNIFY, RELEASE, AND HOLD TWU AND TWU'S REGENTS, OFFICERS, AGENTS, AND EMPLOYEES, HARMLESS FROM ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, AND LIABILITIES**

**(each as used herein shall be referred to as "Claim") OF ANY TYPE OR ANY NATURE WHATSOEVER (INCLUDING COSTS AND REASONABLE LEGAL AND EXPERT FEES) FOR DAMAGE TO, LOSS OF, OR DESTRUCTION OF ANY TANGIBLE PROPERTY OR BODILY INJURY OR DEATH TO ANY PERSON, ARISING FROM, IN CONNECTION WITH, OR ANY WAY INCIDENT TO THIS CONTRACT, TO THE EXTENT FINALLY DETERMINED TO HAVE BEEN CAUSED BY CONTRACTOR AND ITS PERSONNEL IN PERFORMANCE OF THE SERVICES. TO THE EXTENT AUTHORIZED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS, UNIVERSITY AGREES TO INDEMNIFY AND HOLD CONTRACTOR AND IT’S RESPECTIVE OFFICERS, AGENTS,**

# AND EMPLOYEES FREE AND HARMLESS FROM ALL LIABILITY, LOSS, DAMAGE, COSTS, AND ALL OTHER CLAIMS FOR EXPENSES ASSERTED AGAINST ANY OF THEM WHICH MAY ARISE FROM INJURIES TO PERSONS, OR PROPERTY OCCASIONED BY THE NEGLIGENT ACTS OR OMISSIONS OF UNIVERSITY OR ITS EMPLOYEES, ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT AND IN PERFORMANCE OF OBLIGATIONS UNDER THIS AGREEMENT.

1. **Insurance.** Contractor, consistent with its status as an independent contractor will carry and will cause its subcontractors to carry, at its sole cost, the following insurance, with companies authorized to do insurance business in the State of Texas or eligible surplus lines insurers operating in accordance with the Texas Insurance Code, have an A.M. Best Rating of A-:VII or better, and amounts not less than the following minimum limits of coverage:
	1. Medical Professional Liability Insurance with limits of not less than $1,000,000 each claim, $3,000,000 aggregate. Such insurance will cover all services performed by or on behalf of Contractor and its subcontactors under this Agreement. Policy must also cover sexual misconduct claims. Renewal policies written on a claims-made basis will maintain the same retroactive date as in effect at the inception of this Agreement. If coverage is written on a claims-made basis, Contractor agrees to purchase an Extended Reporting Period Endorsement, effective twenty-four (24) months after the expiration or cancellation of the policy. No Professional Liability policy written on an occurance form will include a sunset or similar clause that limits coverage unless such clause provides coverage for at least twenty-four (24) months after the expiration or termination of this Agreement for any reason.
	2. Contractor agrees to maintain, at Contractor’s sole expense, and provide proof of insurance meeting University’s Third Party Insurance Standards ([www.twu.edu/media/documents/risk-management/TWU-](http://www.twu.edu/media/documents/risk-management/TWU-) Third-Party-Insurance-Standards.pdf). By requiring such minimum insurance, University shall not be deemed or construed to have assessed the risk that may be applicable to the Contractor. Therefore, Contractor shall assess its own risks and, if it deems appropriate, maintain higher limits and/or broader coverages. Contractor is not relieved of any liability or obligations assumed or pursuant to the contract by reason of its failure to obtain or maintain insurance in sufficient amounts, duration, or types. Contractor’s failure to comply with the requirements of this section shall be considered a breach of this Agreement. Proof of insurance coverage is to be forwarded to University Risk Management by email at risk@twu.edu.
2. **Breach of Contract Claims.** To the extent that Chapter 2260, *Texas Government Code*, is applicable to this Agreement and is not preempted by other applicable law, the dispute resolution process provided for in Chapter 2260 and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, will be used by University and Contractor to attempt to resolve any claim for breach of contract made by Contractor that cannot be resolved in the ordinary course of business. The chief business officer of University will examine Contractor's claim and any counterclaim and negotiate with Contractor in an effort to resolve such claims. The parties specifically agree that (i) neither the execution of this Agreement by University nor any other conduct, action or inaction of any representative of University relating to this Agreement constitutes or is intended to constitute a waiver of University’s or the state's sovereign immunity to suit; and (ii) University has not waived its right to seek redress in the courts.
3. **Confidential Student Information.** “Confidential Student Information” is defined as information that is personally identifiable to a student who is or was enrolled at University by any of the following means: the student’s name, the name of the student’s parent or other family members; the address of the student or student’s family; a personal identifier, such as a identification number, or biometric record; other indirect identifiers, including but not limited to the student’s date of birth, place of birth, and mother’s maiden name; or any other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community to identify the student with reasonable certainty and includes information supplied to Contractor by University as well as any information provided by University’s students and third parties to the Contractor.

Contractor acknowledges that this Agreement allows the Contractor access to Confidential Student Information, and that access to and disclosure of Confidential Student Information is restricted by University policy and federal law, namely the Family Educational Rights and Privacy Act (“FERPA”).

Contractor agrees to hold Confidential Student Information in strict confidence. Contractor will not use or disclose Confidential Student Information received from or on behalf of University (or its students) except as permitted or required by this Agreement, as required by law, or as otherwise authorized in writing by University. Contractor agrees not to use Confidential Student Information for any purpose other than the purpose for which the disclosure was made. Contractor agrees that only Contractor’s employees who have a legitimate business need in performing this Agreement will have access to the Confidential Student Information.

Upon termination, cancellation, expiration or other conclusion of the Agreement, Contractor will return all Confidential Student Information to University within thirty (30) days or, if return is not feasible, destroy any and all Confidential Student Information. Twenty (20) days before destruction of any Confidential Student Information, Contractor will provide University with written notice of Contractor’s intent to destroy Confidential Student Information. Within seven (7) days after destruction, Contractor will confirm to University in writing the destruction of Confidential Student Information.

Contractor agrees that Contractor is under the direct control of University with respect to the use and maintenance of Confidential Student Information. If University reasonably determines in good faith that Contractor has materially breached any of its confidentiality obligations under this Agreement or has violated FERPA, University, in its sole discretion, will have the right to require Contractor to submit to a plan of monitoring and reporting; provide Contractor with a fifteen (15) day period to cure the breach; or terminate the Agreement immediately. Before exercising any of these options, University will provide written notice to Contractor describing the violation and the action it intends to take. If the Family Policy Compliance Office of the U.S. Department of Education determines that the Contractor improperly disclosed personally identifiable information obtained from University’s education records, University may not allow the Contractor access to education records for at least five years.

Contractor will develop, implement, maintain and use appropriate administrative, technical and physical security measures to preserve the confidentiality, integrity and availability of all electronically maintained or transmitted Confidential Student Information received from, or on behalf of University or its students. These measures will be extended by contract to all subcontractors used by Contractor.

Contractor will, within one day of discovery, report to University any use or disclosure of Confidential Student Information not authorized by this Agreement or in writing by University. Contractor’s report will

identify: (i) the nature of the unauthorized use or disclosure, (ii) the Confidential Student Information used or disclosed, (iii) who made the unauthorized use or received the unauthorized disclosure, (iv) what Contractor has done or will do to mitigate any deleterious effect of the unauthorized use or disclosure, and

(v) what corrective action Contractor has taken or will take to prevent future similar unauthorized use or disclosure. Contractor will provide such other information, including a written report, as reasonably requested by University.

Contractor will defend and hold University harmless from all claims, liabilities, damages, or judgments involving a third party, including University’s costs and attorney fees, which arise as a result of Contractor’s failure to meet or breach any of its obligations under this Agreement.

The restrictions and obligations under this Section will survive expiration or termination of this Agreement for any reason.

## Miscellaneous.

* 1. **Assignment.** Neither party may assign this Agreement, in whole or in part, without the prior written consent of the other party.
	2. **Representations and Warranties by Contractor.** If Contractor is a corporation or a limited liability company, Contractor warrants, represents, covenants, and agrees that it is duly organized, validly existing and in good standing under the laws of the state of its incorporation or organization and is duly authorized and in good standing to conduct business in the State of Texas, that it has all necessary power and has received all necessary approvals to execute and deliver this Agreement, and the individual executing this Agreement on behalf of Contractor has been duly authorized to act for and bind Contractor.
	3. **Prohibited Bids and Contracts.** Under Section 2155.004 of the Texas Government Code, Contractor certifies that it is not ineligible to receive this Agreement and acknowledges that this Agreement may be terminated and payment withheld if this certification is or becomes inaccurate.
	4. **Suspension or Disbarment.** Contractor certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, neither are in the process of being declared ineligible or being debarred, nor is either Contractor or any of its principals voluntarily excluded from covered transactions by any federal department or agency. University may immediately terminate this Agreement without penalty if Contractor’s certification herein is inaccurate or becomes inaccurate.
	5. **Legislative Reorganization.** In the event that proposed or existing legislation reorganizes University into a university system of three campuses (a “Legislative Reorganization”), such Legislative Reorganization will not constitute an assignment of any rights or obligations of University under the Agreement, and will not activate any assignment clauses in the Agreement detrimental to University.
	6. **HB 1295 Certification.** University must comply with the “Disclosure of Interested Parties” requirements mandated by HB 1295, as implemented by the Texas Ethics Commission. The law states that a governmental entity or state agency may not enter into certain contracts with a business entity unless the business entity “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.” The law applies to a contract of a governmental entity or state agency that has a value of at least $1 million. The

Contractor therefore certifies that if required by Tex. Gov’t Code § 2252.908(d) it will submit the required disclosure of interested parties to University. Failure to do so will be grounds for termination of this Agreement without penalty to University.

* 1. **Tax Certifications.** If Contractor is a taxable entity as defined by Chapter 171, *Texas Tax Code* (“Chapter 171”), then Contractor certifies that it is not currently delinquent in the payment of any taxes due under Chapter 171, or that Contractor is exempt from the payment of those taxes, or that Contractor is an out- of-state taxable entity that is not subject to those taxes, whichever is applicable.
	2. **Texas Family Code Child Support Certification**. Pursuant to Section 231.006, *Texas Family Code*, Contractor certifies that it is not ineligible to receive the award of or payments under this Agreement and acknowledges that this Agreement may be terminated and payment may be withheld if this certification is inaccurate.
	3. **Boycott Certification.** As required by Texas Government Code Chapter 2271.002, Contractor certifies that either (1) it meets an exemption criteria under Section 2271.002; or (2) it does not boycott Israel and will not boycott Israel during the term of the Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is or becomes inaccurate. If Contractor meets an exemption, it shall provide University written notice of what that exemption is at the time the Agreement is made.

As required by Texas Government Code Chapter 2274, if Contractor has 10 or more full-time employees and the Contractor is to receive $100,000 or more in value for goods and services provided to University under this Agreement, Contractor certifies that it does not boycott energy companies and will not boycott energy companies during the term of this Agreement. Contractor acknowledges this Agreement may be terminated and payment withheld if this certification is or becomes inaccurate.

* 1. **Health and Safety Code Certification.** Contractor will comply with Subchapter A, Chapter 161, Health and Safety Code 161.0085(c) which prohibits requiring a customer to provide any documentation certifying the customer’s COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the business.
	2. **Anti Terrorism Certification.** As required by Texas Government Code Section 2252.152, Contractor represents and warrants that it is not a company prohibited under Section 2252.152 or identified by (1) the Texas Comptroller as a company with business operations in Sudan; (2) the Texas State Pension Review Board as a company with business operations in Iran; or (3) the Texas Comptroller as a company known to have contracts with, or known to provide supplies or services to, a foreign terrorist organization. Excepted from this prohibition are companies the United States government affirmatively declares to be excluded from its federal sanctions regime relating to Sudan, Iran or foreign terrorist organizations.
	3. **General Appropriations Act Certification.** Contractor acknowledges and agrees that funds may not be distributed under this Agreement in violation of Article IX, Section 6.24 of the General Appropriations Act.
	4. **Firearm Certification.** As required by Subtitle F (State and Local Contracts and Fund Management), Title 10, Texas Government Code, if the total amount paid to Contractor under this Agreement by

University equals one hundred thousand dollars ($100,000.00) or more, Contractor represents and warrants that it (a) does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the Agreement against a firearm entity or firearm trade association.

* 1. **Security Controls.** Under Texas Government Code Section 2054.138 Contractor must meet reasonably appropriate security controls related to TWU’s data (the “Security Controls”). Contractor must provide evidence that Contractor meets the Security Controls upon University’s request and must promptly notify University in the event of unauthorized access to University Records (as defined below).
	2. **Access by Individuals with Disabilities.** As required by 1 TAC Chapter 213 and 1 TAC Section 206.70 (as authorized by Subchapter M, Chapter 2054, Texas Government Code, the “EIR Code”), Contractor represents and warrants (the “EIR Accessibility Warranty”) that the electronic and information resources and all associated information, documentation, and support that it provides to University under this Agreement (collectively, the “EIRs”) comply with the applicable requirements set forth in the EIR Code. To the extent Contractor becomes aware that the EIRs, or any portion thereof, do not comply with the EIR Accessibility Warranty, then Contractor represents that it will, at no cost to University, either (1) perform all necessary remediation to make the EIRs satisfy the EIR Accessibility Warranty or (2) replace the EIRs with new EIRs that satisfy the EIR Accessibility Warranty. In the event that Contractor fails or is unable to do so, then University may terminate this Agreement and Contractor will refund to University all amounts University has paid under this Agreement within thirty (30) days after the termination date.
	3. **Payment of Debt or Delinquency to the State.** Pursuant to Sections 2107.008 and 2252.903, *Texas Government Code*, Contractor agrees that any payments owing to Contractor under this Agreement may be applied directly toward any debt or delinquency that Contractor owes the State of Texas or any agency of the State of Texas regardless of when it arises, until such debt or delinquency is paid in full.
	4. **Entire Agreement; Modifications.** This Agreement supersedes all prior agreements, written or oral, between Contractor and University and will constitute the entire Agreement and understanding between the parties with respect to the subject matter hereof. This Agreement and each of its provisions will be binding upon the parties and may not be waived, modified, amended or altered except by a writing signed by authorized representatives of University and Contractor**.**
	5. **State Auditor’s Office.** Contractor understands that acceptance of funds under this Agreement constitutes acceptance of the authority of the Texas State Auditor's Office, or any successor agency (collectively, “Auditor”), to conduct an audit or investigation in connection with those funds pursuant to Section 51.9335(c) of the *Texas Education Code*. Contractor agrees to cooperate with the Auditor in the conduct of the audit or investigation, including without limitation providing all records requested. Contractor will include this provision in all contracts with permitted subcontractors.
	6. **Force Majeure.** Neither party hereto will be liable or responsible to the other for any loss or damage or for any delays or failure to perform due to causes beyond its reasonable control including, but not limited to, acts of God, strikes, epidemics, war, riots, civil unrest, flood, fire, tsunami, volcano, sabotage, air space closure, ground stop(s), a U.S. Department of State Travel Warning or any other circumstances of like character (“force majeure occurrence”).
	7. **Venue; Governing Law.** Denton County, Texas, will be the proper place of venue for suit on or in respect of this Agreement. This Agreement and all of the rights and obligations of the parties hereto and all of the terms and conditions hereof will be construed, interpreted and applied in accordance with and governed by and enforced under the laws of the State of Texas.
	8. **Ethics Matters; No Financial Interest.** Contractor and its employees, agents, representatives and subcontractors have read and understand University’s Conflicts of Interest Policy available at <https://public.powerdms.com/TWU1/documents/1745633> ,or in **Exhibit B** State of Texas Standards of Conduct and Conflict of Interest Provisions available at [www.statutes.legis.state.tx.us/docs/gv/htm/gv.572.htm](http://www.statutes.legis.state.tx.us/docs/gv/htm/gv.572.htm) or in Exhibit B, and applicable state ethics laws and rules. Neither Contractor nor its employees, agents, representatives or subcontractors will assist or cause University employees to violate University’s Conflicts of Interest Policy, provisions described by State of Texas Standards of Conduct and Conflict of Interest Provisions, or applicable state ethics laws or rules. Contractor represents and warrants that no member of the Board or any University employee has a direct or indirect financial interest in the transaction that is the subject of this Agreement. The Contractor further warrants, represents, and covenants that, in performing this Contract, it will use reasonable care to ensure it does not employ any person who has any such interest.
	9. **Waivers.** No delay or omission in exercising any right accruing upon a default in performance of this Agreement will impair any right or be construed to be a waiver of any right. A waiver of any default under this Agreement will not be construed to be a waiver of any subsequent default under this Agreement.

University and Contractor have executed and delivered this Agreement to be effective as of the Effective Date.

## Name of Company/Doctor Texas Woman’s University

By: By:

Name: Name:

Title: Title:

Date: Date:

## Exhibit A Statement of Work

Texas Woman's University Counseling and Psychological Services (CAPS) will refer students needing psychiatric evaluation/services to Psychiatrist as an independent contractor and not as an employee of TWU.

These referrals are for psychiatric services only and will not include psychological intervention or psychotherapy services. Psychiatrist is primarily providing consultative services to and/or CAPS and Student Health Services in the form of psychiatric evaluation and medication management for students that are identified and referred by CAPS. CAPS will remain the primary care provider for students referred by CAPS, and CAPS will be the custodians of client records in the course of these psychiatric consultations.

Students referred to Psychiatrist pursuant to this agreement will be seen for psychiatric services either at Psychiatrist’s private practice office location ***or*** at a TWU CAPS location on the Denton and/or Dallas campus.

If Psychiatrist sees clients in a TWU CAPS location, CAPS will pay Psychiatrist $###.00 per hour for all services. If Psychiatrist sees clients in the Psychiatrist’s private practice office location, TWU will pay Psychiatrist $###.00 per hour for initial consultations and $###.00 per session for follow up services. Unless previously agreed upon by the CAPS Director and Psychiatrist, it is expected that a first-time initial consultation appointment for a client will last no longer than 60 minutes, and follow-up appointments will last no longer than 20 minutes. Invoices should be sent to: Denise Bradway, Texas Woman's University Counseling and Psychological Services (CAPS),

P.O. Box 425350, Denton, Texas 76204-5350. Charges should be itemized by client number so CAPS can protect the confidentiality of students using psychiatric services.

Both Psychiatrist and the TWU CAPS psychologist(s) shall inform the client that the client is responsible for paying all fees incurred for lab work, medical tests, etc., except for fees incurred for Psychiatrist’s evaluation/consultation time. If the client terminates treatment with CAPS, CAPS staff will inform Psychiatrist and any subsequent consultations must be paid for by the student directly to Psychiatrist without financial assistance from CAPS.

The initial referral contact with Psychiatrist will be made by CAPS clinical staff. Clients will be responsible for contacting Psychiatrist’s office to schedule their appointments when seeing a Psychiatrist at the Psychiatrist’s office. The client will schedule appointments with CAPS clinical staff when the Psychiatrist sees clients at the CAPS location(s).

Each referred client will sign a release form for Psychiatrist prior to the initial appointment in order to ensure continuity of service. A consultation (as needed) between Psychiatrist and the referring CAPS psychologist will take place in a reasonable period of time following the client's initial psychiatric evaluation and then on an as- needed basis during treatment in a manner to be determined between Psychiatrist and CAPS clinical staff.

Psychiatrist is not available for emergency consultations, and CAPS will arrange for psychiatric coverage of students’ continued medical needs during Psychiatrist’s vacation.

## Exhibit B

**Texas Woman's University University Regulation and Procedure**

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| --- | --- |
| **Regulation and Procedure Name:** | **Financial Conflict of Interest in Research and Sponsored Projects** |
| **Regulation and Procedure****Number:** | **URP: 02.470** |
| **Policy Owner:** | **Academic Affairs** |

# POLICY STATEMENT

Proposed, awarded, or ongoing research conducted at TWU that is funded by the U.S. Public Health Service (“PHS”) and the National Science Foundation (“NSF”) shall not be biased by any significant financial interest of any investigator responsible for the design, conduct, or reporting of that research or activity. The purpose of this URP is to outline procedures to assure that proposals made to and sponsored projects supported by PHS, NSF, and other federal agencies as necessary comply with regulations, or other funding entities as necessary to maintain objectivity in research.

# APPLICABILITY

This policy is applicable to TWU Faculty, Staff, and Students.

# DEFINITIONS

1. “Designated Official” means the Designated Official, appointed by the Executive Vice President for Academic Affairs and Provost (“EVPAA/Provost”), serves as the TWU administrator who solicits and reviews disclosures of significant financial interests from each investigator who is planning to participate in, or is participating in, PHS or NSF-funded research. The Designated Official shall ensure that TWU meets its responsibilities under 42 CFR 50 and the most current NSF Grant Policy Manual. The Designated Official shall also establish and oversee procedures in accordance with this policy.
2. “Financial conflict of interest (FCOI)” means a significant financial interest that could directly and significantly affect the design, conduct, or reporting of research funded by federal agencies designated in this URP.
3. “FCOI report” means the University’s report of a financial conflict of interest to a PHS funding agency.
4. “Financial interest” means anything of monetary value, whether or not the value is readily ascertainable.
5. “HHS” means the United States Department of Health and Human Services, and any components of the Department to which the authority involved may be delegated.
6. “Institutional responsibilities” means an investigator’s professional responsibilities on behalf of TWU, such as teaching, professional, scholarly, research, or creative activities, administrative duties, University, disciplinary, and/or community service, or any other activity for which an investigator is compensated by TWU.
7. “Investigator” means the project director (“PD”) or principal Investigator (“PI”) and any other person, regardless of title or position, who is responsible for the design, conduct, or reporting of research funded or proposed for such funding by PHS or NSF. This may include co- investigators or a subrecipient PD/PI.
8. “Manage” means taking action to address a financial conflict of interest, which can include reducing or eliminating the financial conflict of interest to ensure, to the extent possible, that the design, conduct, and reporting of research will be free from bias.
9. “PD/PI” means a project director or principal Investigator of a PHS or NSF- funded research project; the PD/PI is included in the definitions of senior/key personnel and Investigator.
10. “PHS” means the Public Health Service of the U.S. Department of Health and Human Services, and any components of the PHS to which the authority involved may be delegated, including the National Institutes of Health (“NIH”).
11. “Research” means research is a systematic investigation designed to test hypotheses, evaluate programs, draw conclusions, or contribute to generalizable knowledge. Research is usually described in a formal protocol that sets forth objectives and a set of procedures designed to reach those objectives.
12. “Senior/key personnel” means the PD/PI and any other person identified as senior/key personnel in the grant application, progress report, or any other report submitted to the PHS or NSF agencies.
13. “Significant financial interest as defined by 42 CFR 50 (PHS)” means:

A financial interest consisting of one or more of the following interests of the investigator (and those of the investigator's spouse and dependent children) that reasonably appears to be related to the investigator's institutional responsibilities:

* 1. With regard to any publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the 12 months preceding the disclosure and the value of any equity interest in the entity as of the date of disclosure, when aggregated, exceeds

$5,000. Remuneration includes salary and any payment for services not otherwise identified as salary (e.g., consulting fees, honoraria, paid authorship); equity interest includes any stock, stock option, or other ownership interest, as determined through reference to public prices or other reasonable measures of fair market value;

* 1. With regard to any non-publicly traded entity, a significant financial interest exists if the value of any remuneration received from the entity in the 12 months preceding the disclosure, when aggregated, exceeds

$5,000, or when the Investigator (or the Investigator's spouse or dependent children) holds any equity interest (e.g., stock, stock option, or other ownership interest); or

* 1. Intellectual property rights and interests (e.g., patents, copyrights), upon receipt of income related to such rights and interests.

Investigators on PHS-funded projects must also disclose the occurrence of any reimbursed or sponsored travel (i.e., that which is paid on behalf of the investigator and not reimbursed to the investigator so that the exact monetary value may not be readily available) related to their institutional responsibilities; provided, however, that this disclosure requirement does not apply to travel that is reimbursed or sponsored by a Federal, state, or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education.

# REGULATION AND PROCEDURE

1. Procedure
	1. TWU investigators who apply for PHS or NSF funding of research projects or educational activities shall comply with the requirements of this URP. If such research or activities are carried out through a subrecipient (e.g., subcontractor or collaborator), TWU shall take reasonable steps to ensure

that subrecipient investigators are in compliance with this URP policy or a conflict of interest policy that satisfies the requirements of this URP.

* 1. An investigator's significant financial interest is related to PHS or NSF- funded research when TWU, through its designated official, reasonably determines that the significant financial interest: could be affected by the PHS or NSF-funded research; or is in an entity whose financial interest could be affected by the research. A financial conflict of interest (“FCOI”) exists when the University, through its designated official, reasonably determines that the significant financial interest could directly and significantly affect the design, conduct, or reporting of the PHS or NSF- funded research.
	2. TWU may involve the investigator in the designated official's determination of whether a significant financial interest is related to the PHS or NSF- funded research.
	3. TWU shall inform each investigator of TWU’s URP on financial conflicts of interest, the investigator’s responsibilities regarding disclosure of significant financial interests, and of applicable Federal regulations, and shall ensure that each investigator completes training regarding financial conflicts of interest prior to engaging in research related to any PHS-funded grant and at least every four years, and immediately when any of the following circumstances apply:
		1. TWU revises its financial conflict of interest policies or procedures in any manner that affects the requirements of investigators;
		2. An investigator is new to TWU; or
		3. TWU finds that an investigator is not in compliance with the financial conflict of interest URP or management plan.
	4. Pursuant to 42 CFR 50.604(c), TWU shall take reasonable steps to ensure that any subrecipient investigator complies with this URP as outlined in the TWU Financial Conflict of Interest Procedures.
	5. The EVPAA/Provost designates the Vice Provost for Research and Innovation and Dean of the Graduate School as the Designated Official. The Designated Official shall ensure that TWU meets its responsibilities under 42 CFR 50 and the NSF Grant Policy Manual V.510. The Designated Official shall review disclosures of significant financial interests and establish and oversee procedures in accordance with this policy.
	6. TWU shall take such actions as necessary to manage financial conflicts of interest, including any financial conflicts of a subrecipient investigator as outlined in the TWU Financial Conflict of Interest Procedures and shall

provide initial and ongoing FCOI reports to the PHS as required pursuant to 42 CFR §50.605(a) and 42 CFR §50.605(b).

* 1. TWU shall certify, in each application for funding to PHS or NSF that the University:
		1. Has in effect an up-to-date, written, and enforced administrative process to identify and manage financial conflicts of interest with respect to all research projects for which funding is sought or received;
		2. Shall promote and enforce investigator compliance with the requirements of the TWU FCOI URP, including those pertaining to disclosure of significant financial interests;
		3. Shall manage financial conflicts of interest and provide initial and ongoing FCOI reports to the PHS funding agency as required by 42 CFR 50 and the TWU FCOI URP;
		4. Agrees to make information available, promptly upon request, to the PHS or NSF relating to any investigator disclosure of financial interests and TWU’s review of, and response to, such disclosure, whether or not the disclosure resulted in the University’s determination of a financial conflict of interest; and
		5. Shall fully comply with the requirements of 42 CFR 50 as applicable.
	2. The University shall maintain records relating to all investigator disclosures of financial interests and the review of, and response to, such disclosures (whether or not a disclosure resulted in the University’s determination of a financial conflict of interest) and all related actions or retrospective reviews, if applicable, for at least three years from the date the final expenditures report is submitted to PHS or NSF, or, where applicable, from other dates specified in 45 CFR 74.53(b) and 92.42 (b) regarding retention and access requirements for records.
1. Investigator Responsibilities
	1. Each TWU investigator who plans to participate in PHS or NSF-funded research is required to disclose significant financial interests (and those of the investigator's spouse and dependent children) to the Designated Official no later than the time of application for funded research.
	2. TWU investigators who are participating in PHS or NSF-funded research are also required to submit an updated disclosure of significant financial interests upon receipt of the award and at least annually during the period of the award. Such disclosure shall include any information that was not

disclosed initially, or in a subsequent disclosure of significant financial interests (e.g., any financial conflict of interest identified on a funded project that was transferred from another Institution), and shall include updated information regarding any previously disclosed significant financial interest (e.g., the updated value of a previously disclosed equity interest).

* 1. Each investigator who is participating in PHS or NSF-funded research is required to submit an updated disclosure of significant financial interests within 30 days of discovering or acquiring (e.g., through purchase, marriage, or inheritance) a new significant financial interest.
1. Management of Financial Conflicts of Interest
	1. Prior to the expenditure of any funds under a PHS or NSF-funded research project, TWU’s designated official shall review all investigator disclosures of significant financial interests; determine whether any significant financial interests relate to PHS or NSF-funded research; determine whether a financial conflict of interest exists; and, if so, develop and implement a management plan that shall specify the actions that have been, and shall be, taken to manage such financial conflict of interest. Examples of conditions or restrictions that might be imposed to manage a financial conflict of interest are listed in the TWU Financial Conflict of Interest Procedures.
	2. The TWU designated official shall, within 60 days of reviewing the disclosure of a significant financial interest by an investigator who is new to participating in an ongoing PHS or NSF-funded research project or an existing investigator discloses a new significant financial interest: determine whether it is related to PHS or NSF-funded research; determine whether a financial conflict of interest exists; and, if so, implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest. The designated official may determine that additional interim measures are necessary with regard to the investigator's participation in the PHS or NSF- funded research project between the date of disclosure and the completion of the University’s review.
	3. If the designated official identifies a significant financial interest that was not disclosed timely by an investigator or, for whatever reason, was not previously reviewed by the University during an ongoing PHS or NSF- funded research project (e.g., was not timely reviewed or reported by a subrecipient), the designated official shall, within 60 days: review the significant financial interest; determine whether it is related to PHS or NSF- funded research; determine whether a financial conflict of interest exists; and, if so, implement, on at least an interim basis, a management plan that shall specify the actions that have been, and will be, taken to manage such financial conflict of interest going forward;
2. Noncompliance with FCOI URP and Retrospective Reviews
	1. If a financial conflict of interest is not identified or managed in a timely manner including failure by an investigator to disclose a significant financial interest that is determined to constitute a financial conflict of interest; failure by the University to review or manage such a financial conflict of interest; or failure by the investigator to comply with a financial conflict of interest management plan, the designated official shall, within 120 days of the University’s determination of noncompliance, complete a retrospective review of the investigator's activities and the PHS-funded research project to determine whether any funded research, or portion thereof, conducted during the time period of the noncompliance, was biased in the design, conduct, or reporting of such research.
	2. TWU is required to document the retrospective review including elements pursuant to 42.CFR 50.605(a)(3)(ii)(B) and as detailed in the TWU Financial Conflict of Interest Procedures.
	3. TWU shall, based on the results of the retrospective review and if appropriate, update the previously submitted FCOI report, specifying the actions that will be taken to manage the financial conflict of interest going forward. If bias is found, the University shall notify the PHS funding agency promptly and submit a mitigation report pursuant to 42 CFR 50.605(a)(3)(iii) and as detailed in the TWU Financial Conflict of Interest Procedures. Thereafter, TWU will submit FCOI reports as specified by this URP.
	4. The University may determine that additional interim measures are necessary with regard to the investigator's participation in the PHS-funded research project between the date that the financial conflict of interest or the investigator's noncompliance is determined and the completion of the retrospective review, depending on the nature of the financial conflict of interest.
	5. If TWU implements a management plan in conjunction with a retrospective review and mitigation report, the University shall monitor investigator compliance with the management plan on an ongoing basis until the completion of the PHS or NSF-funded research project.
3. Public Access

Prior to the expenditure of any funds under a PHS-funded research project, TWU shall ensure public accessibility, via a written response to any requestor within ten business days of a request, of information concerning any significant financial interest disclosed to the University that meets the following three criteria:

* 1. The significant financial interest was disclosed and is still held by the senior/key personnel as defined by this subpart;
	2. TWU determines that the significant financial interest is related to the PHS funded research; and
	3. TWU determines that the significant financial interest is a financial conflict of interest.

The information that TWU makes available via a written response to any requestor within ten business days of a request shall include, at a minimum, the following:

* + 1. The investigator's name;
		2. The investigator's title and role with respect to the research project;
		3. The name of the entity in which the significant financial interest is held;
		4. The nature of the significant financial interest; and
		5. The approximate dollar value of the significant financial interest (dollar ranges are permissible: $0–$4,999; $5,000–$9,999;

$10,000–$19,999; amounts between $20,000–$100,000 by increments of $20,000; amounts above $100,000 by increments of

$50,000), or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value.

* 1. TWU will note in its written response that the information provided is current as of the date of the correspondence and is subject to updates, on at least an annual basis and within 60 days of the University’s identification of a new financial conflict of interest, which should be requested subsequently by the requestor.
	2. Information concerning the significant financial interests of an individual subject to this URP shall remain available for responses to written requests for at least three years from the date that the information was most recently updated.
1. Reporting of Financial Conflicts of Interest

As required by 42 CFR 50.605(b)(3) and as listed in the TWU Financial Conflict of Interest Procedures, FCOI reports required under this URP shall include elements containing sufficient information to enable the funding agency to understand the nature and extent of the financial conflict, and to assess the appropriateness of the University’s management plan.

1. Initial FCOI Reports to PHS - Report before funds expended

Prior to the expenditure of any funds under a PHS or NSF-funded research project, TWU shall provide to the funding agency an FCOI report regarding any investigator's significant financial interest found to be conflicting and ensure that the University has implemented a management plan in accordance with 42 CFR 50.605(b)(1). TWU shall not submit an FCOI report to the funding agency in cases in which a financial conflict of interest is eliminated prior to the expenditure of PHS awarded funds.

1. Subsequent FCOI Reports to PHS- subsequent to initial report (new investigator)

If TWU identifies a significant financial interest as conflicting subsequent to the initial FCOI report during an ongoing PHS-funded research project (e.g., upon the participation of an investigator who is new to the research project), TWU shall provide to the PHS funding agency, within 60 days, an FCOI report regarding the financial conflict of interest and ensure that the University has implemented a management plan in accordance with this URP.

1. Mitigation Reports to PHS

If TWU has conducted a retrospective review due to a significant financial interest that was not disclosed timely by an investigator or, for whatever reason, was not previously reviewed or managed by TWU (e.g., was not timely reviewed or reported by a subrecipient), and has determined that PHS-funded research, or portions thereof, conducted prior to the identification and management of the financial conflict of interest was biased in the design, conduct, or reporting of such research, TWU shall submit a mitigation report to the PHS funding agency.

1. Annual Reports to PHS

TWU shall provide an annual FCOI report to PHS funding agencies for any financial conflict of interest previously reported by the University with regard to an ongoing PHS-funded research project. The report shall address the status of the financial conflict of interest and any changes to the management plan for the duration of the PHS-funded research project. The annual FCOI report shall specify whether the financial conflict is still being managed or explain why the financial conflict of interest no longer exists. TWU shall provide annual FCOI reports to the PHS funding agency for the duration of the project period (including extensions with or without funds) in the time and manner specified by the PHS funding agency.

1. Reports to NSF

Per the NSF Grant Policy Manual V.510, TWU shall notify NSF’s Office of the General Counsel if TWU finds that it is unable to satisfactorily manage a conflict of interest on an NSF-funded research project.

1. Enforcement Mechanisms and Sanctions

TWU shall establish adequate enforcement mechanisms and provide for employee sanctions or other administrative actions to ensure Investigator compliance with this URP as appropriate.

1. Studies Involving Drugs, Medical Devices, or Treatments
	1. In any case in which the HHS determines that a PHS-funded project of clinical research whose purpose is to evaluate the safety or effectiveness of a drug, medical device, or treatment has been designed, conducted, or reported by a TWU investigator with a financial conflict of interest that was not managed or reported by the University as required by this URP, the University shall require the investigator involved:
		1. To disclose the financial conflict of interest in each public presentation of the results of the research, and
		2. To request an addendum to previously published presentations.
2. Remedies
	1. TWU shall promptly notify the PHS funding agency of any corrective action taken or to be taken if the failure of an investigator to comply with this URP or if a financial conflict of interest management plan appears to have biased the design, conduct, or reporting of the PHS-funded research. Actions taken by the PHS funding agency may include directions to TWU on how to maintain appropriate objectivity in the funded research project. PHS may require TWU to enforce any applicable corrective actions prior to a PHS award or when the transfer of a PHS grant involves such an investigator.
	2. Upon receipt of an inquiry from a PHS or NSF funding agency at any time during or after an award, TWU shall submit, or permit on site review of, all records pertinent to any investigator disclosure of financial interests and the University’s review (including any retrospective review) of, and response to, such disclosure, regardless of whether the disclosure resulted in the determination of a financial conflict of interest.
	3. TWU will comply with the imposition of special award conditions, suspension of funding, or other enforcement actions should the funding agency decide that a particular financial conflict of interest will bias the objectivity of the funded research to such an extent that further corrective action is needed or that TWU has not managed the financial conflict of interest in accordance with this URP.
3. PHS/NSF Exclusions
	1. Exclusions to significant financial interest as defined by 42 CFR 50 (PHS): 50.603 (3)
		1. Salary royalties, or other remuneration paid by TWU to the investigator if the investigator is currently employed or otherwise appointed by TWU;
		2. Intellectual Property Rights assigned to TWU and agreements to share in royalties related to such rights;
		3. Income from investment vehicles, such as mutual funds and retirement accounts, as long as the investigator does not directly control the investment decisions made in these vehicles;
		4. Income from seminars, lectures, or teaching engagements sponsored by a federal, state or local government agency, an institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an institution of higher education; or
		5. Income from service on advisory committees or review panels for a federal, state, or local government agency, Institution of higher education, an academic teaching hospital, a medical center, or a research institute that is affiliated with an Institution of higher education.
	2. Significant financial interest as defined by NSF Grant Policy Manual V.510:

Anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interest (e.g., stocks, stock options, or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights).

* 1. Exclusions to significant financial interest as defined by NSF Grant Policy Manual V.510:
		1. Salary, royalties, or other remuneration from the University;
		2. Any ownership interests in the University, if TWU is an applicant under the Small Business Innovation Research Program or Small Business Technology Transfer Program;
		3. Income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities;
		4. Income from service on advisory committees or review panels for public or nonprofit entities;
		5. An equity interest that, when aggregated for the investigator and the investigator’s spouse and dependent children, meets both of the following tests: does not exceed $10,000 in value as determined

# REVIEW

through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5% ownership interest in any single entity; or

* + 1. Salary, royalties, or other payments that, when aggregated for the investigator and the investigator’s spouse and dependent children, are not expected to exceed $10,000 during the 12 month period.

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

# REFERENCES

None

# FORMS AND TOOLS

None

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| **Publication Date:** | **07/02/2021** |
| **Revised:** | **07/02/2021** |

GOVERNMENT CODE

TITLE 5. OPEN GOVERNMENT; ETHICS SUBTITLE B. ETHICS

CHAPTER 572. PERSONAL FINANCIAL DISCLOSURE, STANDARDS OF CONDUCT, AND CONFLICT OF INTEREST

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 572.001. POLICY; LEGISLATIVE INTENT. (a) It is the policy of this state that a state officer or state employee may not have a direct or indirect interest, including financial and other interests, or engage in a business transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of the officer's or employee's duties in the public interest.

1. To implement this policy and to strengthen the faith and confidence of the people of this state in state government, this chapter provides standards of conduct and disclosure requirements to be observed by persons owing a responsibility to the people and government of this state in the performance of their official duties.
2. It is the intent of the legislature that this chapter serve not only as a guide for official conduct of those persons but also as a basis for discipline of those who refuse to abide by its terms.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.002. GENERAL DEFINITIONS. In this chapter:

* 1. "Appointed officer" means:
		1. the secretary of state;
		2. an individual appointed with the advice and consent of the senate to the governing board of a state-supported institution of higher education;
		3. an officer of a state agency who is appointed for a term of office specified by the Texas Constitution or a statute of this state, excluding an appointee to a vacated elective office; or
		4. an individual who is a member of the governing board or commission of a state agency, who is not appointed, and who is not otherwise:
			1. an elected officer;
			2. an officer described by Paragraphs (A) through (C);

or

* + - 1. an executive head of a state agency.
	1. "Business entity" means any entity recognized by law through

which business for profit is conducted, including a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, or trust.

* 1. "Commission" means the Texas Ethics Commission.
	2. "Elected officer" means:
		1. a member of the legislature;
		2. an executive or judicial officer elected in a statewide

election;

* + 1. a judge of a court of appeals or of a district court;
		2. a member of the State Board of Education;
		3. a district attorney or criminal district attorney; or
		4. an individual appointed to fill a vacancy in an office or

appointed to a newly created office who, if elected to the office instead of appointed, would be an elected officer under this subdivision.

* 1. "Executive head of a state agency" means the director, executive director, commissioner, administrator, chief clerk, or other individual who is appointed by the governing body or highest officer of the state agency to act as the chief executive or administrative officer of the agency and who is not an appointed officer. The term includes the chancellor or highest executive officer of a university system and the president of a public senior college or university as defined by Section [61.003](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ED&Value=61.003), Education Code.
	2. "State party chair" means the state chair of any political party receiving more than two percent of the vote for governor in the most recent general election.
	3. "Person" means an individual or a business entity.
	4. "Regulatory agency" means any department, commission, board, or other agency, except the secretary of state and the comptroller, that:
		1. is in the executive branch of state government;
		2. has authority that is not limited to a geographical portion of the state;

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|  | (C) | was | created by the | Texas Constitution or a statute of |
| this state; | and |  |  |  |
|  | (D) | has | constitutional | or statutory authority to engage in |
| regulation. |  |  |  |  |

* 1. "Salaried appointed officer" means an appointed officer who receives or is authorized to receive a salary for state service but not a per diem or other form of compensation.
	2. "State agency" means:
		1. a department, commission, board, office, or other agency

that:

1. is in the executive branch of state government;
2. has authority that is not limited to a geographical

portion of the state; and

1. was created by the Texas Constitution or a statute

of this state;

* + 1. a university system or an institution of higher education as defined by Section [61.003](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ED&Value=61.003), Education Code, other than a public junior college; or
		2. a river authority created under the Texas Constitution or a statute of this state.
	1. "State employee" means an individual, other than a state officer, who is employed by:
		1. a state agency;
		2. the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or
		3. either house of the legislature or a legislative agency, council, or committee, including the Legislative Budget Board, the Texas Legislative Council, the State Auditor's Office, and the Legislative Reference Library.

(11-a) "State judge" means:

1. a judge, former judge, or retired judge of an appellate court, a district court, a constitutional county court, a county court at law, or a statutory probate court of this state;
2. an associate judge appointed under Chapter [201](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FA&Value=201), Family Code, or a retired associate judge or former associate judge appointed under that chapter;
3. a magistrate or associate judge appointed under Chapter

[54](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=54) or [54A](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=54A);

1. a justice of the peace; or
2. a municipal court judge.
	1. "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 1134, Sec. 12, Sept. 1, 1997. Amended by:

Acts 2005, 79th Leg., Ch. 1253 (H.B. [1945](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB01945F.HTM)), Sec. 1, eff. June 18,

2005.

Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. [42](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/SB00042F.HTM)), Sec. 18, eff. September

1, 2017.

Sec. 572.003. DEFINITION: APPOINTED OFFICER OF MAJOR STATE AGENCY.

* 1. In this chapter, "appointed officer of a major state agency" means an individual listed in Subsection (b) or (c).
	2. The term means:
		1. the Banking Commissioner of The Banking Department of Texas;
		2. the administrative director of the Office of Court Administration of the Texas Judicial System;
		3. the chief executive of the Office of Public Utility Counsel;
		4. the executive director of the State Bar of Texas;
		5. the director of the lottery division of the Texas Lottery Commission;
		6. the deputy in charge of the department of security in the lottery division of the Texas Lottery Commission;
		7. the director of the bingo division of the Texas Lottery Commission; or
		8. the secretary of state.
	3. The term means a member of:
		1. the Public Utility Commission of Texas;
		2. the Texas Commission on Environmental Quality;
		3. the Texas Alcoholic Beverage Commission;
		4. the Finance Commission of Texas;
		5. the Texas Facilities Commission;
		6. the Texas Board of Criminal Justice;
		7. the board of trustees of the Employees Retirement System of

Texas;

* + 1. the Texas Transportation Commission;
		2. the Texas Department of Insurance;
		3. the Parks and Wildlife Commission;
		4. the Public Safety Commission;
		5. the Texas Ethics Commission;
		6. the State Securities Board;
		7. the Texas Water Development Board;
		8. the governing board of a public senior college or university as defined by Section [61.003](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ED&Value=61.003), Education Code, or of The University of Texas Southwestern Medical Center, The University of Texas Medical Branch at Galveston, The University of Texas Health Science Center at Houston, The University of Texas Health Science Center at San Antonio, The University of Texas M. D. Anderson Cancer Center, The University of Texas Health Science Center at Tyler, University of North Texas Health Science Center at Fort Worth, Texas Tech University Health Sciences Center, Texas State Technical College--Harlingen, Texas State Technical College--Marshall, Texas State Technical College--Sweetwater, or Texas State Technical College--Waco;

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|  | (16) | the | Texas | Higher Education Coordinating Board; |
| (17) | the | Texas | Workforce Commission; |
| (18) | the | board | of trustees of the Teacher Retirement System of |
| Texas; |  |  |  |  |
|  | (19) | the | Credit Union Commission; |
|  | (20) | the | School Land Board; |
|  | (21) | the | board of the Texas Department of Housing and Community |
| Affairs; |  |  |  |
|  | (22) | the | Texas Racing Commission; |
|  | (23) | the | State Board of Dental Examiners; |
|  | (24) | the | Texas Medical Board; |
|  | (25) | the | Board of Pardons and Paroles; |
|  | (26) | the | Texas State Board of Pharmacy; |
|  | (27) | the | Department of Information Resources governing board; |
|  | (28) | the | board of the Texas Department of Motor Vehicles; |
|  | (29) | the | Texas Real Estate Commission; |
|  | (30) | the | board of directors of the State Bar of Texas; |
|  | (31) | the | Bond Review Board; |
|  | (32) | the | Health and Human Services Commission; |
|  | (33) | the | Texas Funeral Service Commission; |
|  | (34) | the | board of directors of a river authority created under |

the Texas Constitution or a statute of this state;

1. the Texas Lottery Commission; or
2. the Cancer Prevention and Research Institute of Texas.
	1. The term includes the successor in function as provided by law to an office listed in Subsection (b) or (c) if that office is abolished.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.06(a), eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 238, Sec. 3, eff. May 22, 2001; Acts 2003, 78th

Leg., ch. 817, Sec. 10.04, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 937 (H.B. [3560](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB03560F.HTM)), Sec. 3.09, eff.

September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. [1969](http://www.legis.state.tx.us/tlodocs/81R/billtext/html/SB01969F.HTM)), Sec. 11.012, eff.

September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 179 (H.B. [1844](http://www.legis.state.tx.us/tlodocs/83R/billtext/html/HB01844F.HTM)), Sec. 13, eff.

September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1316 (S.B. [220](http://www.legis.state.tx.us/tlodocs/83R/billtext/html/SB00220F.HTM)), Sec. 3.02, eff. June

14, 2013.

Acts 2017, 85th Leg., R.S., Ch. 521 (S.B. [81](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/SB00081F.HTM)), Sec. 1, eff. September

1, 2017.

Acts 2021, 87th Leg., R.S., Ch. 276 (H.B. [3514](http://www.legis.state.tx.us/tlodocs/87R/billtext/html/HB03514F.HTM)), Sec. 2, eff.

September 1, 2021.

Sec. 572.004. DEFINITION: REGULATION. In this chapter, "regulation" means rulemaking, adjudication, or licensing. In this definition:

* + 1. "Adjudication" means the process of an agency for formulating

an order.

* + 1. "License" includes all or part of an agency permit,

certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

* + 1. "Licensing" includes the process of an agency concerning the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license.
		2. "Order" means all or part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rulemaking but including licensing.
		3. "Rule" means all or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of an agency.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.005. DETERMINATION OF SUBSTANTIAL INTEREST. An individual

has a substantial interest in a business entity if the individual:

1. has a controlling interest in the business entity;
2. owns more than 10 percent of the voting interest in the business entity;
3. owns more than $25,000 of the fair market value of the business entity;
4. has a direct or indirect participating interest by shares, stock, or otherwise, regardless of whether voting rights are included, in more than 10 percent of the profits, proceeds, or capital gains of the business entity;
5. is a member of the board of directors or other governing board of the business entity;
6. serves as an elected officer of the business entity; or
7. is an employee of the business entity.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.006. DETERMINATION OF DEPENDENT CHILD. An individual's

child, including an adopted child or stepchild, is the individual's dependent during a calendar year in which the individual provides more than

50 percent of the child's support.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.007. PENALTIES IMPOSED BY COMMISSION. This chapter does not prohibit the imposition of civil penalties by the commission in addition to criminal penalties or other sanctions imposed by law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.008. VENUE. An offense under this chapter, including perjury, may be prosecuted in Travis County or in any other county in which it may be prosecuted under the Code of Criminal Procedure.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER B. PERSONAL FINANCIAL STATEMENT

Sec. 572.021. FINANCIAL STATEMENT REQUIRED. Except as provided by Section [572.0211](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.0211), a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections

[572.022](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.022) through [572.0252](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.0252).

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.01, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 630 (H.B. [2511](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB02511F.HTM)), Sec. 2, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 1253 (H.B. [1945](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB01945F.HTM)), Sec. 2, eff. June 18,

2005.

Sec. 572.0211. FILING BY HOLDOVER OFFICER NOT REQUIRED. (a) An

appointed officer who resigns from office and who ceases to participate in the state agency's functions is not required to file a financial statement that is due because of service in that office after the effective date of the resignation.

1. An appointed officer whose term of office expires and who ceases to participate in the functions of the state agency is not required to file a financial statement that is due because of service in that office after the date the term of office expires.
2. An appointed officer of a state agency that is abolished or whose functions are transferred to another state agency is not required to file a financial statement that is due because of service after the date that the agency is abolished or the functions of the agency are transferred.
3. An appointed officer who resigns or whose term of office expires who does not intend to participate in the functions of the state agency shall deliver written notice of the officer's intention to the governor and the commission.

Added by Acts 2005, 79th Leg., Ch. 630 (H.B. [2511](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB02511F.HTM)), Sec. 1, eff. June 17,

2005.

Sec. 572.022. REPORTING CATEGORIES; REQUIRED DESCRIPTIONS. (a) If

an amount in a financial statement is required to be reported by category, the individual filing the statement shall report whether the amount is:

* 1. less than $5,000;
	2. at least $5,000 but less than $10,000;
	3. at least $10,000 but less than $25,000; or
	4. $25,000 or more.
1. The individual filing the statement shall report an amount of stock by category of number of shares instead of by category of dollar value and shall report whether the amount is:
	1. less than 100 shares;
	2. at least 100 but less than 500 shares;
	3. at least 500 but less than 1,000 shares;
	4. at least 1,000 but less than 5,000 shares;
	5. at least 5,000 but less than 10,000 shares; or
	6. 10,000 shares or more.
2. The individual filing the statement shall report a description of real property by reporting:
	1. the street address, if available, or the number of lots or number of acres, as applicable, in each county, and the name of the county, if the street address is not available; and
	2. the names of all persons retaining an interest in the property, excluding an interest that is a severed mineral interest.
3. For a gift of cash or a cash equivalent such as a negotiable instrument or gift certificate that is reported in accordance with Section [572.023](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.023)(b)(7), the individual filing the statement shall include in the description of the gift a statement of the value of the gift.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.02, eff. Sept. 1, 2003. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 342 (S.B. [129](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB00129F.HTM)), Sec. 1, eff. September

1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 342 (S.B. [129](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/SB00129F.HTM)), Sec. 2, eff. September

1, 2007.

Sec. 572.023. CONTENTS OF FINANCIAL STATEMENT IN GENERAL. (a) A

financial statement must include an account of the financial activity of the individual required by this subchapter to file a financial statement and an account of the financial activity of the individual's spouse and dependent children if the individual had actual control over that activity for the preceding calendar year.

1. The account of financial activity consists of:
	1. a list of all sources of occupational income, identified by employer, or if self-employed, by the nature of the occupation, including identification of a person or other organization from which the individual or a business in which the individual has a substantial interest received a fee as a retainer for a claim on future services in case of need, as distinguished from a fee for services on a matter specified at the time of contracting for or receiving the fee, if professional or occupational services are not actually performed during the reporting period equal to or in excess of the amount of the retainer, and the category of the amount of the fee;
	2. identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;
	3. a list of all bonds, notes, and other commercial paper held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;
	4. identification of each source and the category of the amount of income in excess of $500 derived from each source from interest, dividends, royalties, and rents;
	5. identification of each guarantor of a loan and identification of each person or financial institution to whom a personal note or notes or lease agreement for a total financial liability in excess of $1,000 existed at any time during the year and the category of the amount of the liability;
	6. identification by description of all beneficial interests in real property and business entities held or acquired, and if sold, the category of the amount of the net gain or loss realized from the sale;
	7. identification of a person or other organization from which the individual or the individual's spouse or dependent children received a gift of anything of value in excess of $250 and a description of each gift, except:
		1. a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter [B](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=573.021), Chapter [573](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=573);
		2. a political contribution that was reported as required by Chapter [254](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=EL&Value=254), Election Code; and
		3. an expenditure required to be reported by a person required to be registered under Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305);
	8. identification of the source and the category of the amount of all income received as beneficiary of a trust, other than a blind trust that complies with Subsection (c), and identification of each trust asset, if known to the beneficiary, from which income was received by the beneficiary in excess of $500;
	9. identification:
		1. by description of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which five percent or more of the outstanding ownership was held, acquired, or sold; and
		2. by description and the category of the amount of all assets and liabilities of a corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which 50 percent or more of the outstanding ownership was held, acquired, or sold;
	10. a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;
	11. identification of any person providing transportation, meals, or lodging expenses permitted under Section [36.07](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=36.07)(b), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305;
	12. any corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association, excluding a publicly held corporation, in which both the individual and a person registered under Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305) have an interest;
	13. identification by name and the category of the number of shares of any mutual fund held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;
	14. identification of each blind trust that complies with Subsection (c), including:
		1. the category of the fair market value of the trust;
		2. the date the trust was created;
		3. the name and address of the trustee; and
		4. a statement signed by the trustee, under penalty of perjury, stating that:
			1. the trustee has not revealed any information to the individual, except information that may be disclosed under Subdivision (8); and
			2. to the best of the trustee's knowledge, the trust complies with this section;
	15. if the aggregate cost of goods or services sold under one or more written contracts described by this subdivision exceeds $10,000 in the year covered by the report, identification of each written contract, including the name of each party to the contract:
		1. for the sale of goods or services in the amount of $2,500

or more;

* + 1. to which the individual, the individual's spouse, the

individual's dependent child, or any business entity of which the individual, the individual's spouse, or the individual's dependent child, independently or in conjunction with one or more persons described by this subsection, has at least a 50 percent ownership interest is a party; and

* + 1. with:
			1. a governmental entity; or
			2. a person who contracts with a governmental entity, if the individual or entity described by Paragraph (B) performs work arising out of the contract, subcontract, or agreement between the person and the governmental entity for a fee; and
	1. if the individual is a member of the legislature and provides bond counsel services to an issuer, as defined by Section [1201.002](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=1201.002)(1), identification of the following for each issuance for which the individual served as bond counsel:
		1. the amount of the issuance;
		2. the name of the issuer;
		3. the date of the issuance;
		4. the amount of fees paid to the individual, and whether the amount is:
			1. less than $5,000;
			2. at least $5,000 but less than $10,000;
			3. at least $10,000 but less than $25,000; or
			4. $25,000 or more; and
		5. the amount of fees paid to the individual's firm, if applicable, and whether the amount is:
			1. less than $5,000;
			2. at least $5,000 but less than $10,000;
			3. at least $10,000 but less than $25,000; or
			4. $25,000 or more.
1. For purposes of Subsections (b)(8) and (14), a blind trust is a trust as to which:
	1. the trustee:
		1. is a disinterested party;

[305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305);

* + 1. is not the individual;
		2. is not required to register as a lobbyist under Chapter
		3. is not a public officer or public employee; and
		4. was not appointed to public office by the individual or

by a public officer or public employee the individual supervises; and

* 1. the trustee has complete discretion to manage the trust, including the power to dispose of and acquire trust assets without consulting or notifying the individual.
1. If a blind trust under Subsection (c) is revoked while the individual is subject to this subchapter, the individual must file an amendment to the individual's most recent financial statement, disclosing the date of revocation and the previously unreported value by category of each asset and the income derived from each asset.
2. In this section, "governmental entity" means this state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state.
3. Subsection (b)(15) does not require the disclosure of an employment contract between a school district or open-enrollment charter school and an employee of the district or school.
4. An individual who complies with any applicable requirements of Sections [51.954](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ED&Value=51.954) and [51.955](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=ED&Value=51.955), Education Code, and Section 2252.908 of this code, in an individual capacity or as a member or employee of an entity to which those sections apply, is not required to include in the account of financial activity the information described by Subsection (b)(15) unless specifically requested by the commission to include the information.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.03, eff. Sept. 1, 2003. Amended by:

Acts 2017, 85th Leg., R.S., Ch. 439 (H.B. [501](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB00501F.HTM)), Sec. 1, eff. January

8, 2019.

Sec. 572.024. INFORMATION ABOUT SERVICES FOR LOBBYISTS OR LOBBYIST

EMPLOYERS. A state officer who receives a fee for services rendered by the officer to or on behalf of a person required to be registered under Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305), or to or on behalf of a person or entity that the officer actually knows directly compensates or reimburses a person required to be registered under Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305), shall report on the financial statement the name of each

person or entity for which the services were rendered and the category of the amount of each fee.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.025. INFORMATION ABOUT LEGISLATORS' REPRESENTATION BEFORE

EXECUTIVE STATE AGENCIES. A member of the legislature who represents another person for compensation before an executive state agency shall report on the financial statement:

* 1. the name of the agency;
	2. the person represented by the member; and
	3. the category of the amount of compensation received by the member for that representation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.0251. INFORMATION ABOUT LEGISLATIVE CONTINUANCES. A member

or member-elect of the legislature licensed to practice law in this state who represents a party to a civil or criminal case for compensation and on that party's behalf applies for or obtains a legislative continuance under Section [30.003](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=CP&Value=30.003), Civil Practice and Remedies Code, or under another law or rule that requires or permits a court to grant a continuance on the grounds that an attorney for a party is a member or member-elect of the legislature shall report on the financial statement:

1. the name of the party represented;
2. the date on which the member or member-elect was retained to represent the party;
3. the style and cause number of the action in which the continuance was sought and the court and jurisdiction in which the action was pending when the continuance was sought;
4. the date on which the member or member-elect applied for a continuance; and
5. whether the continuance was granted.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 5.04, eff. Sept. 1, 2003.

Sec. 572.0252. INFORMATION ABOUT REFERRALS. A state officer who is an attorney shall report on the financial statement:

1. making or receiving any referral for compensation for legal services; and
2. the category of the amount of any fee accepted for making a referral for legal services.

Added by Acts 2003, 78th Leg., ch. 249, Sec. 5.04, eff. Sept. 1, 2003.

Sec. 572.026. FILING DATES FOR STATE OFFICERS AND STATE PARTY CHAIRS.

1. Not later than April 30 each year, a state officer or a state party chair shall file the financial statement as required by this subchapter.
2. An individual who is appointed to serve as a salaried appointed officer or an appointed officer of a major state agency or who is appointed to fill a vacancy in an elective office shall file a financial statement not later than the 30th day after the date of appointment or the date of qualification for the office, or if confirmation by the senate is required, before the first committee hearing on the confirmation, whichever date is earlier.
3. An individual who is appointed or employed as the executive head of a state agency shall file a financial statement not later than the 45th day after the date on which the individual assumes the duties of the position. A state agency shall immediately notify the commission of the appointment or employment of an executive head of the agency.
4. An individual required to file a financial statement under Subsection (a) may request the commission to grant an extension of not more than 60 days for filing the statement. The commission shall grant the request if it is received before the filing deadline or if a timely filing or request for extension is prevented because of physical or mental incapacity. The commission may not grant more than one extension to an individual in one year except for good cause shown.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.05, eff. Sept. 1, 2003. Amended by:

Acts 2005, 79th Leg., Ch. 1253 (H.B. [1945](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB01945F.HTM)), Sec. 3, eff. June 18,

2005.

Acts 2005, 79th Leg., Ch. 1253 (H.B. [1945](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB01945F.HTM)), Sec. 4, eff. June 18,

2005.

Acts 2007, 80th Leg., R.S., Ch. 248 (H.B. [2839](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB02839F.HTM)), Sec. 1, eff. May 25,

2007.

Sec. 572.027. FILING DATES FOR CANDIDATES. (a) An individual who is a partisan or independent candidate for an office as an elected officer

shall file the financial statement required by this subchapter not later than the later of:

* 1. the 60th day after the date of the regular filing deadline for an application for a place on the ballot in the general primary election; or
	2. February 12.
1. If the deadline under which a candidate files an application for a place on the ballot, other than the regular filing deadline for an independent candidate, or files a declaration of write-in candidacy falls after the date of the regular filing deadline for candidates in the general primary election, the candidate shall file the financial statement not later than the 30th day after that later deadline. However, if that deadline falls after the 35th day before the date of the election in which the candidate is running, the candidate shall file the statement not later than the fifth day before the date of that election.
2. An individual who is a candidate in a special election for an office as an elected officer shall file the financial statement not later than the fifth day before the date of that election.
3. An individual nominated to fill a vacancy in a nomination as a candidate for a position as an elected officer under Chapter [145](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=EL&Value=145), Election Code, shall file the financial statement not later than the 15th day after the date the certificate of nomination required by Section [145.037](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=EL&Value=145.037) or [145.038](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=EL&Value=145.038), Election Code, is filed.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 1134, Sec. 13, eff. Sept. 1, 1997. Amended by:

Acts 2015, 84th Leg., R.S., Ch. 239 (S.B. [431](http://www.legis.state.tx.us/tlodocs/84R/billtext/html/SB00431F.HTM)), Sec. 1, eff. September

1, 2015.

Sec. 572.028. DUPLICATE STATEMENTS. If an individual has filed a financial statement under one provision of this subchapter covering the preceding calendar year, the individual is not required to file a financial statement required under another provision of this subchapter to cover that same year if, before the deadline for filing the statement under the other provision, the individual notifies the commission in writing that the individual has already filed a financial statement under the provision specified.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.029. TIMELINESS OF FILING. (a) The deadline for filing a financial statement required by this subchapter is 5 p.m. of the last day designated in the applicable provision for filing the statement.

1. If the last day for filing the financial statement is a Saturday, Sunday, or holiday included under Subchapter [B](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=662.021), Chapter [662](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=662), the statement is timely if filed on the next day that is not a Saturday, Sunday, or listed holiday.
2. A financial statement is timely filed if it is properly addressed and placed in the United States Post Office or in the hands of a common or contract carrier not later than the last day for filing the financial statement. The post office cancellation mark or the receipt mark of a common or contract carrier is prima facie evidence of the date the statement was deposited with the post office or carrier. The individual filing the statement may show by competent evidence that the actual date of posting was different from that shown by the marks.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.0291. ELECTRONIC FILING REQUIRED. (a) Except as provided by Subsection (b), a financial statement filed with the commission must be filed by computer diskette, modem, or other means of electronic transfer, using computer software provided by the commission or computer software that meets commission specifications for a standard file format.

(b) An individual who was appointed to office and who is required to file a financial statement with the commission under this subchapter may file the financial statement by certified mail. The filing by mail must be in compliance with Section [572.029](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.029).

Added by Acts 2015, 84th Leg., R.S., Ch. 818 (H.B. [3683](http://www.legis.state.tx.us/tlodocs/84R/billtext/html/HB03683F.HTM)), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 243 (H.B. [791](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB00791F.HTM)), Sec. 1, eff. May 29,

2017.

Sec. 572.0295. AMENDMENT OF FINANCIAL STATEMENT. (a) A person who

files a financial statement under this chapter may amend the person's statement.

1. A financial statement that is amended is considered to have been filed on the date on which the original statement was filed if:
	1. the amendment is made on or before the 14th day after the date the person filing the statement learns of an error or omission in the

original statement;

* 1. the original financial statement was made in good faith and without an intent to mislead or to misrepresent the information contained in the statement; and
	2. the person filing the amendment accompanies the amendment with a declaration that:
		1. the person became aware of the error or omission in the original statement during the preceding 14 days; and
		2. the original statement was made in good faith and without intent to mislead or to misrepresent the information contained in the statement.

Added by Acts 2017, 85th Leg., R.S., Ch. 439 (H.B. [501](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB00501F.HTM)), Sec. 2, eff. January 8, 2019.

Sec. 572.030. PREPARATION AND MAILING OF FORMS. (a) The commission

shall design forms that may be used for filing the financial statement under this subchapter.

1. The commission shall mail to each individual required to file under this subchapter a notice that:
	1. states that the individual is required to file a financial statement under this subchapter;
	2. identifies the filing dates for the financial statement as provided by Sections [572.026](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.026) and [572.027](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.027);
	3. describes the manner in which the individual may obtain the financial statement forms and instructions from the commission's Internet website;
	4. states that on request of the individual, the commission will mail to the individual a copy of the financial statement forms and instructions; and
	5. states, if applicable, the fee for mailing the forms and instructions and the manner in which the individual may pay the fee.
2. The notice required by Subsection (b) must be mailed:
	1. before the 30th day before the deadline for filing the financial statement under Section [572.026](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.026)(a) or (c), except as otherwise provided by this subsection;
	2. not later than the 15th day after the applicable deadline for filing an application for a place on the ballot or a declaration of write- in candidacy for candidates required to file under Section [572.027](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.027)(a), (b), or (c);
	3. not later than the seventh day after the date of appointment for individuals required to file under Section [572.026](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=572.026)(b), or if the legislature is in session, sooner if possible; and
	4. not later than the fifth day after the date the certificate of nomination is filed for candidates required to file under Section 574.027(d).
3. The commission shall mail a copy of the financial statement forms and instructions to an individual not later than the third business day after the date the commission receives the individual's request for the forms and instructions.
4. The commission may charge a fee for mailing the financial statement forms and instructions to an individual. The amount of the fee may not exceed the reasonable cost of producing and mailing the forms and instructions.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 1134, Sec. 14, eff. Sept. 1, 1997. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 299 (H.B. [1652](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB01652F.HTM)), Sec. 1, eff. June 15,

2007.

Sec. 572.031. DETERMINATION OF COMPLIANCE WITH SUBCHAPTER. (a) The

commission shall conduct a continuing survey to determine whether all individuals required to file financial statements under this subchapter have filed statements in compliance with this subchapter.

1. If the commission determines that an individual has failed to file the statement in compliance with this subchapter, the commission shall send a written statement of the determination to the appropriate prosecuting attorneys of the state.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.032. PUBLIC ACCESS TO STATEMENTS. (a) Financial statements filed under this subchapter are public records. The commission shall maintain the statements in separate alphabetical files and in a manner that is accessible to the public during regular office hours.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 983 (H.B.

[776](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB00776F.HTM)), Sec. 1

(a-1) The commission shall remove the home address, the telephone number, and the names of the dependent children of an individual from a financial statement filed by the individual under this subchapter before:

* 1. permitting a member of the public to view the statement;
	2. providing a copy of the statement to a member of the public;

or

* 1. making the statement available to the public on the

commission's Internet website, if the commission makes statements filed under this subchapter available on its website.

Text of subsection as amended by Acts 2017, 85th Leg., R.S., Ch. 34 (S.B.

[1576](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/SB01576F.HTM)), Sec. 15

(a-1) Before permitting a member of the public to view a financial statement filed under this subchapter or providing a copy of the statement to a member of the public, the commission shall remove from the statement, if applicable, the home address of:

1. a judge or justice; or
2. a member of the governing board or executive head of the Texas Civil Commitment Office.
3. During the one-year period following the filing of a financial statement, each time a person requests to see the financial statement, excluding the commission or a commission employee acting on official business, the commission shall place in the file a statement of the person's name and address, whom the person represents, and the date of the request. The commission shall retain that statement in the file for one year after the date the requested financial statement is filed.
4. After the second anniversary of the date the individual ceases to be a state officer, the commission may and on notification from the former state officer shall destroy each financial statement filed by the state officer.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 638 (H.B. [842](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB00842F.HTM)), Sec. 1, eff. June 15,

2007.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. [1576](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/SB01576F.HTM)), Sec. 15, eff.

September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 983 (H.B. [776](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/HB00776F.HTM)), Sec. 1, eff. June 15,

2017.

Sec. 572.033. CIVIL PENALTY. (a) The commission shall determine from any available evidence whether a statement required to be filed under this subchapter is late. On making a determination that the statement is late, the commission shall immediately mail a notice of the determination to the individual responsible for filing the statement and to the appropriate attorney for the state.

1. If a statement is determined to be late, the individual responsible for filing the statement is liable to the state for a civil penalty of $500. If a statement is more than 30 days late, the commission shall issue a warning of liability by registered mail to the individual responsible for the filing. If the penalty is not paid before the 10th day after the date on which the warning is received, the individual is liable for a civil penalty in an amount determined by commission rule, but not to exceed $10,000.
2. This section is cumulative of any other available sanction for a late filing of a sworn statement.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 2003, 78th Leg., ch. 249, Sec. 5.06, eff. Sept. 1, 2003.

Sec. 572.034. CRIMINAL PENALTY. (a) An individual commits an offense if the individual is a state officer or candidate or state party chair and knowingly and wilfully fails to file a financial statement as required by this subchapter.

1. An offense under this section is a Class B misdemeanor.
2. In a prosecution for failure to file a financial statement under this section, it is a defense that the individual did not receive copies of the financial statement form required by this subchapter to be mailed to the individual.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by:

Acts 2005, 79th Leg., Ch. 1253 (H.B. [1945](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB01945F.HTM)), Sec. 5, eff. June 18,

2005.

Sec. 572.035. REMOVAL OF PERSONAL INFORMATION FOR FEDERAL JUDGES,

STATE JUDGES, AND FAMILY MEMBERS. (a) On receiving notice from the Office of Court Administration of the Texas Judicial System of the judge's qualification for the judge's office, the commission shall remove or redact

from any financial statement, or information derived from a financial statement, that is available to the public the residence address of a federal judge, including a federal bankruptcy judge, a state judge, or a family member of a federal judge, including a federal bankruptcy judge, or a state judge.

1. In this section, "family member" has the meaning assigned by Section [31.006](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=FI&Value=31.006), Finance Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. [42](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/SB00042F.HTM)), Sec. 19, eff. September 1, 2017.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 383 (S.B. [1134](http://www.legis.state.tx.us/tlodocs/87R/billtext/html/SB01134F.HTM)), Sec. 10, eff.

September 1, 2021.

SUBCHAPTER C. STANDARDS OF CONDUCT AND CONFLICT OF INTEREST PROVISIONS Sec. 572.051. STANDARDS OF CONDUCT; STATE AGENCY ETHICS POLICY. (a)

A state officer or employee should not:

* 1. accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;
	2. accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;
	3. accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;
	4. make personal investments that could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the public interest; or
	5. intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the officer's or employee's official powers or performed the officer's or employee's official duties in favor of another.
1. A state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's state employment or another employment-related sanction. Notwithstanding this subsection, a state officer or employee who violates Subsection (a) is

subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

1. Each state agency shall:
	1. adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection (a) and other provisions of this subchapter; and
	2. distribute a copy of the ethics policy and this subchapter

to:

* + 1. each new employee not later than the third business day

after the date the person begins employment with the agency; and

* + 1. each new officer not later than the third business day after the date the person qualifies for office.
1. The office of the attorney general shall develop, in coordination with the commission, and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). A state agency is not required to adopt the model policy developed under this subsection.
2. Subchapters E and F, Chapter [571](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=571), do not apply to a violation of this section.
3. Notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the commission of the status of the prosecuting attorney's investigation of the alleged violation. The commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993. Amended by:

Acts 2007, 80th Leg., R.S., Ch. 629 (H.B. [590](http://www.legis.state.tx.us/tlodocs/80R/billtext/html/HB00590F.HTM)), Sec. 1, eff. September

1, 2007.

Sec. 572.052. REPRESENTATION BY LEGISLATORS BEFORE STATE AGENCIES;

CRIMINAL OFFENSE. (a) A member of the legislature may not, for compensation, represent another person before a state agency in the executive branch of state government unless the representation:

* 1. is pursuant to an attorney-client relationship in a criminal law matter; or
	2. involves the filing of documents that involve only ministerial acts on the part of the commission, agency, board, department, or officer.

(b) A member of the legislature commits an offense if the member violates this section. An offense under this subsection is a Class A misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 1134, Sec. 15, eff. Sept. 1, 1997;

Acts 2003, 78th Leg., ch. 249, Sec. 5.07, eff. Sept. 1, 2003.

Sec. 572.053. VOTING BY LEGISLATORS ON CERTAIN MEASURES OR BILLS;

CRIMINAL OFFENSE. (a) A member of the legislature may not vote on a measure or a bill, other than a measure that will affect an entire class of business entities, that will directly benefit a specific business transaction of a business entity in which the member has a controlling interest.

1. In this section, "controlling interest" includes:
	1. an ownership interest or participating interest by virtue of shares, stock, or otherwise that exceeds 10 percent;
	2. membership on the board of directors or other governing body of the business entity; or
	3. service as an officer of the business entity.
2. A member of the legislature commits an offense if the member violates this section. An offense under this subsection is a Class A misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.0531. NOTICE REQUIRED FOR INTRODUCTION OR SPONSORSHIP OF OR VOTING ON CERTAIN MEASURES OR BILLS BY LEGISLATORS. (a) A member shall

file a notice as required by Subsection (b) before introducing, sponsoring, or voting on a measure or bill if the member's spouse or a person related to the member within the first degree by consanguinity, as determined under Subchapter [B](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=573.021), Chapter [573](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=573), is registered as a lobbyist under Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305) with respect to the subject matter of the measure or bill.

1. A member of the house of representatives to whom Subsection (a) applies shall file a written notice of that fact with the chief clerk of the house of representatives. A senator to whom Subsection (a) applies

shall file a written notice of that fact with the secretary of the senate. The member shall also file a notice with the commission. A notice filed under this subsection must:

* 1. identify:
		1. the member;
		2. the measure, bill, or class of measures or bills with respect to which the notice is required under this section; and
		3. the person registered as a lobbyist; and
	2. be included in the journal of the house to which the member

belongs.

1. A person related to the member to whom Subsection (a) applies shall file a notice with the commission identifying:
	1. the person;
	2. the member; and
	3. the class of measures or bills with respect to which notice is required under this section.
2. A person related to the member to whom Subsection (a) applies shall file the notice required by Subsection (c) not later than:
	1. the beginning of a regular or special legislative session as to which the person is registered as a lobbyist under Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305) and will communicate directly with a member of the legislative branch with respect to the measure, bill, or class of measures or bills; or
	2. the seventh business day after the day the person agrees to accept reimbursement or compensation to communicate directly with a member of the legislative branch with respect to the measure, bill, or class of measures or bills, if the person agrees to accept the reimbursement or compensation after the beginning of a legislative session.
3. A member of the legislature who violates this section is subject to discipline by the house to which the member belongs, as provided by Section [11](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=CN&Value=3.11), Article III, Texas Constitution.
4. In this section, "communicates directly with" and "member of the legislative branch" have the meanings assigned by Section [305.002](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305.002).

Added by Acts 2003, 78th Leg., ch. 249, Sec. 5.08, eff. Sept. 1, 2003.

Sec. 572.054. REPRESENTATION BY FORMER OFFICER OR EMPLOYEE OF REGULATORY AGENCY RESTRICTED; CRIMINAL OFFENSE. (a) A former member of

the governing body or a former executive head of a regulatory agency may not make any communication to or appearance before an officer or employee of the agency in which the member or executive head served before the

second anniversary of the date the member or executive head ceased to be a member of the governing body or the executive head of the agency if the communication or appearance is made:

* 1. with the intent to influence; and
	2. on behalf of any person in connection with any matter on which the person seeks official action.
1. A former state officer or employee of a regulatory agency who ceases service or employment with that agency on or after January 1, 1992, may not represent any person or receive compensation for services rendered on behalf of any person regarding a particular matter in which the former officer or employee participated during the period of state service or employment, either through personal involvement or because the case or proceeding was a matter within the officer's or employee's official responsibility.
2. Subsection (b) applies only to:
	1. a state officer of a regulatory agency; or
	2. a state employee of a regulatory agency who is compensated, as of the last date of state employment, at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule, including an employee who is exempt from the state's position classification plan.
3. Subsection (b) does not apply to a rulemaking proceeding that was concluded before the officer's or employee's service or employment ceased.
4. Other law that restricts the representation of a person before a particular state agency by a former state officer or employee of that agency prevails over this section.
5. An individual commits an offense if the individual violates this section. An offense under this subsection is a Class A misdemeanor.
6. In this section, the comptroller and the secretary of state are not excluded from the definition of "regulatory agency."

(g-1) For purposes of this section, the Department of Information Resources is a regulatory agency.

1. In this section:
	1. "Participated" means to have taken action as an officer or employee through decision, approval, disapproval, recommendation, giving advice, investigation, or similar action.
	2. "Particular matter" means a specific investigation, application, request for a ruling or determination, rulemaking proceeding, contract, claim, charge, accusation, arrest, or judicial or other proceeding.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. [1](http://www.legis.state.tx.us/tlodocs/821/billtext/html/SB00001F.HTM)), Sec. 23.01, eff.

September 28, 2011.

Sec. 572.055. CERTAIN SOLICITATIONS OF REGULATED BUSINESS ENTITIES

PROHIBITED; CRIMINAL OFFENSE. (a) An association or organization of employees of a regulatory agency may not solicit, accept, or agree to accept anything of value from a business entity regulated by that agency and from which the business entity must obtain a permit to operate that business in this state or from an individual directly or indirectly connected with that business entity.

1. A business entity regulated by a regulatory agency and from which the business entity must obtain a permit to operate that business in this state or an individual directly or indirectly connected with that business entity may not offer, confer, or agree to confer on an association or organization of employees of that agency anything of value.
2. This section does not apply to an agency regulating the operation or inspection of motor vehicles or an agency charged with enforcing the parks and wildlife laws of this state.
3. A person commits an offense if the person intentionally or knowingly violates this section. An offense under this subsection is a Class A misdemeanor.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.056. CONTRACTS BY STATE OFFICERS WITH GOVERNMENTAL ENTITIES;

CRIMINAL OFFENSE. (a) A state officer may not solicit or accept from a governmental entity a commission, fee, bonus, retainer, or rebate that is compensation for the officer's personal solicitation for the award of a contract for services or sale of goods to a governmental entity.

1. This section does not apply to:
	1. a contract that is awarded by competitive bid as provided by law and that is not otherwise prohibited by law; or
	2. a court appointment.
2. In this section, "governmental entity" means the state, a political subdivision of the state, or a governmental entity created under the Texas Constitution or a statute of this state.
3. A state officer who violates this section commits an offense. An offense under this subsection is a Class A misdemeanor.

Sec. 572.057. CERTAIN LEASES PROHIBITED. (a) Except as provided by Subsection (d), a member of the legislature, an executive or judicial officer elected in a statewide election, or a business entity in which the legislator or officer has a substantial interest may not lease any office space or other real property to the state, a state agency, the legislature or a legislative agency, the Supreme Court of Texas, the Court of Criminal Appeals, or a state judicial agency.

1. A lease made in violation of Subsection (a) is void.
2. This section does not apply to an individual who is an elected officer on June 16, 1989, for as long as the officer holds that office.
3. A member of the legislature or a business entity in which the legislator has a substantial interest may donate the use of office space that the member or entity owns and that is located in the member's district to the house of the legislature in which the member serves to be used for the member's official business. Office space donated under this subsection is not a contribution for purposes of Title 15, Election Code. Acceptance of a donation of office space under this subsection is not subject to Section [301.032](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=301.032).

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| Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. | 1, | 1993. |
| Amended by: |  |  |
| Acts 2013, 83rd Leg., R.S., Ch. 293 (H.B. [1256](http://www.legis.state.tx.us/tlodocs/83R/billtext/html/HB01256F.HTM)), Sec. | 1, | eff. |
| September 1, 2013. |  |  |

Sec. 572.058. PRIVATE INTEREST IN MEASURE OR DECISION; DISCLOSURE;

REMOVAL FROM OFFICE FOR VIOLATION. (a) An elected or appointed officer, other than an officer subject to impeachment under Article XV, Section [2](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=CN&Value=15.2), of the Texas Constitution, who is a member of a board or commission having policy direction over a state agency and who has a personal or private interest in a measure, proposal, or decision pending before the board or commission shall publicly disclose the fact to the board or commission in a meeting called and held in compliance with Chapter [551](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=551). The officer may not vote or otherwise participate in the decision. The disclosure shall be entered in the minutes of the meeting.

1. An individual who violates this section is subject to removal from office on the petition of the attorney general on the attorney general's own initiative or on the relation of a resident or of any other member of the board or commission. The suit must be brought in a district

court of Travis County or of the county where the violation is alleged to have been committed.

1. If the court or jury finds from a preponderance of the evidence that the defendant violated this section and that an ordinary prudent person would have known the individual's conduct to be a violation of this section, the court shall enter judgment removing the defendant from office.
2. A suit under this section must be brought before the second anniversary of the date the violation is alleged to have been committed, or the suit is barred.
3. The remedy provided by this section is cumulative of other methods of removal from office provided by the Texas Constitution or a statute of this state.
4. In this section, "personal or private interest" has the same meaning as is given to it under Article III, Section [22](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=CN&Value=3.22), of the Texas Constitution, governing the conduct of members of the legislature. For purposes of this section, an individual does not have a "personal or private interest" in a measure, proposal, or decision if the individual is engaged in a profession, trade, or occupation and the individual's interest is the same as all others similarly engaged in the profession, trade, or occupation.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 572.059. INDEPENDENCE OF STATE AND LOCAL OFFICERS ACTING IN

LEGISLATIVE CAPACITY. (a) In this section, "legislative measure" includes:

* 1. a bill, resolution, order, or other proposal to adopt, enact, amend, or repeal a statute, ordinance, rule, or policy of general application;
	2. a proposal to adopt, enact, amend, or repeal, or to grant a variance or other exception to, a zoning ordinance; or
	3. a proposed constitutional amendment or charter amendment subject to a vote of the electorate.
1. For purposes of Subsection (a), a measure that is applicable to a class or subset of persons or matters that is defined in general terms without naming the particular persons or matters is a measure of general application.
2. To protect the independence of state and local officers acting in a legislative capacity, a state or local officer, whether elected or appointed, including a member of the governing body of a school district or

other political subdivision of this state, may not be subject to disciplinary action or a sanction, penalty, disability, or liability for:

* 1. an action permitted by law that the officer takes in the officer's official capacity regarding a legislative measure;
	2. proposing, endorsing, or expressing support for or opposition to a legislative measure or taking any action permitted by law to support or oppose a legislative measure;
	3. the effect of a legislative measure or of a change in law proposed by a legislative measure on any person; or
	4. a breach of duty, in connection with the member's practice of or employment in a licensed or regulated profession or occupation, to disclose to any person information, or to obtain a waiver or consent from any person, regarding:
		1. the officer's actions relating to a legislative measure;

or

* + 1. the substance, effects, or potential effects of a

legislative measure.

Added by Acts 2003, 78th Leg., ch. 1206, Sec. 1, eff. June 20, 2003.

Sec. 572.060. SOLICITATION OF OR RECOMMENDATIONS REGARDING CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS AND GOVERNMENTAL ENTITIES. (a)

Unless otherwise prohibited by the Code of Judicial Conduct, a state officer or state employee may:

1. solicit from any person a contribution to:
	1. an organization that:
		1. is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code;
		2. does not attempt to influence legislation as a substantial part of the organization's activities; and
		3. has not elected under Section 501(h), Internal Revenue Code of 1986, to have that subsection apply to the organization; or
	2. a governmental entity; or
2. recommend to any person that the person make a contribution to an organization or entity described by Subdivision (1).
3. A monetary contribution solicited or recommended as provided by Subsection (a) must:
	1. be paid or made directly to the charitable organization or governmental entity by the person making the contribution;
	2. be in the form of a check, money order, or similar instrument payable to the charitable organization or governmental entity; or
	3. be in the form of a deduction from a state employee's salary or wage payment under the state employee charitable campaign under Subchapter [I](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=659.131), Chapter [659](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=659).
4. A contribution solicited or recommended as provided by Subsection

(a) that is not a monetary contribution must be delivered directly to the charitable organization or governmental entity by the person making the contribution.

1. A contribution paid as provided by Subsection (b) or delivered as provided by Subsection (c) is not:
	1. a political contribution to, or political expenditure on behalf of, the state officer or state employee for purposes of Title 15, Election Code;
	2. an expenditure for purposes of Chapter [305](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=GV&Value=305); or
	3. a benefit to the state officer or state employee for purposes of Sections [36.08](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=36.08) and [36.09](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PE&Value=36.09), Penal Code.

Added by Acts 2005, 79th Leg., Ch. 53 (H.B. [762](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB00762F.HTM)), Sec. 1, eff. September 1,

2005.

Sec. 572.061. CERTAIN GRATUITIES AUTHORIZED. This subchapter does not prohibit the acceptance of a gratuity that is accepted and reported in accordance with Section [11.0262](http://www.statutes.legis.state.tx.us/GetStatute.aspx?Code=PW&Value=11.0262), Parks and Wildlife Code.

Added by Acts 2005, 79th Leg., Ch. 639 (H.B. [2685](http://www.legis.state.tx.us/tlodocs/79R/billtext/html/HB02685F.HTM)), Sec. 3, eff. September 1, 2005.

Sec. 572.069. CERTAIN EMPLOYMENT FOR FORMER STATE OFFICER OR EMPLOYEE

RESTRICTED. A former state officer or employee of a state agency who during the period of state service or employment participated on behalf of a state agency in a procurement or contract negotiation involving a person may not accept employment from that person before the second anniversary of the date the contract is signed or the procurement is terminated or withdrawn.

Added by Acts 2015, 84th Leg., R.S., Ch. 326 (S.B. [20](http://www.legis.state.tx.us/tlodocs/84R/billtext/html/SB00020F.HTM)), Sec. 4, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 556 (S.B. [533](http://www.legis.state.tx.us/tlodocs/85R/billtext/html/SB00533F.HTM)), Sec. 1, eff. September

1, 2017.