



Institutional Handbook of Operating Procedures (IHOP)

Section:	1 – Official Governance		First Release Date:	12/19/2007
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Scope:	This policy applies to UTHSCT.
Purpose:	To establish ethical principles and standards of conduct expected of and required to be acknowledged by all employees.

POLICY:

The mission of The University of Texas Health Science Center at Tyler (UTHSCT) is to serve Northeast Texas and beyond through excellent patient care and community health, comprehensive education, and innovative research. In support of that mission, we value and are committed to maintaining high standards of excellence, integrity, and accountability in our conduct.

UTHSCT expects all employees to follow the highest standards of personal conduct as established by institutional policy and federal, state and local laws. This policy is intended to enhance the ability of employees to act ethically in accordance with those values and with the law, and to fulfill our obligation to be good stewards of the resources that have been entrusted to us.

As a condition of employment with UTHSCT, all employees are required to acknowledge receipt of a copy of: this policy; Texas Government Code § 572, Subchapter C *Standards of Conduct and Conflict of Interest Provisions* (§ 572.051 – §572.061) (**Attachment A**); Texas Government Code § 2113.014, *Employee Standards of Conduct* (**Attachment B**); and Texas Government Code §556.004 – §556.008, *Political and Legislative Activities* (**Attachment C**), not later than the third business day after the date employment begins.

UTHSCT reserves the right to take appropriate disciplinary measures against any employee who fails to comply with, or fails to report suspected noncompliance with, policies and procedures of the institution, federal health care program requirements, or other applicable state or federal laws or regulations.

Employees who encounter situations they believe violate provisions of the UTHSCT Institutional Handbook of Operating Procedures (IHOP), federal health care program requirements, or other applicable state or federal laws or regulations, are expected to immediately consult their supervisors, another member of management in their area, or the Chief Compliance Officer. Employees may also call the Compliance Hotline at (877) 507-7316 in confidence and anonymity. Any person with a concern regarding a breach of ethics or a possible compliance matter should notify the UTHSCT Ethics Officer or Chief Compliance Officer.



Retaliation

UTHSCT encourages its employees to make good faith disclosures of institution-related misconduct. UTHSCT will not tolerate retaliation or threat of retaliation against those who make disclosures of actual or perceived misconduct. Acts or threats of retaliation in response to such disclosures may subject the person retaliating to disciplinary action, up to and including termination. Persons making disclosures with reckless disregard for the truth or in willful ignorance of the facts may be subjected to disciplinary action. Refer to IHOP Policy 06.08.37, *Protection from Retaliation for Reporting Suspected Wrongdoing*.

Use of State Resources

The Law:

State officers or employees commit a criminal offense if they intentionally or knowingly misapply any "thing of value" belonging to the government that is in their custody or possession as a result of their state employment in order to obtain a benefit or to harm another person.

Information Resources:

The use of information resources, such as telephones, faxes, email, and the Internet, must comply with the acceptable use policy. In general, the acceptable use policy allows the limited incidental personal use of information resources, but the use may not result in direct costs to UTHSCT or expose UTHSCT to unnecessary risks. Only properly licensed software may be loaded on institutional computers. . Personal mail should not be received on campus. UTHSCT telephone logs and email, as with other mail received on campus, are public property and are subject to public information requests.

Equipment and Supplies:

State-issued machines, office supplies, and other equipment are to be used for institutional purposes, not for personal or private purposes.

UTHSCT Vehicles:

No UTHSCT employee shall use any UTHSCT vehicle or vehicle rented for UTHSCT activity for any purpose other than official business of the institution.

Employee Time:

Employee work time is a "thing of value" belonging to the state. Employees may not use work time for personal business.

Political Campaigns and Legislation:

An employee shall not use institutional time, funds, equipment, or other resources to work on a political campaign or to influence the passage or defeat of legislation. In this area, incidental personal use is not permissible.

Expense Claims:

Vouchers for travel expenses must be accurate and requested only for expenses related to official business.

Liability for Property Loss:

When institutional property disappears, whether through theft or other cause, as a result of an employee failing to exercise reasonable care for its safekeeping, such person shall be liable for the loss sustained by the institution.

Institutional Credit and Travel Cards:

Employees shall not use credit or travel cards issued by the institution for personal expenses unrelated to institutional business.



Purchases From/By Employees:

Purchases are not permitted from an employee unless approved by the President and the cost is less than from any other known source. Similarly, no employee may purchase equipment or property from the institution without approval of the President.

Confidential Information and Sexual Harassment and Misconduct

Confidential Information:

No employee shall disclose confidential information or use such information for his or her personal benefit.

Sexual Harassment and Misconduct:

Sexual misconduct and sexual harassment are unacceptable behaviors. Such unacceptable behavior includes verbal or physical conduct of a sexual nature. Incidents of sexual misconduct or sexual harassment should be reported to the office charged with reviewing such complaints where the incident occurred. Refer to IHOP Policy 06.08.28, *Sexual Harassment and Sexual Misconduct*, for the institutional policy on this topic.

Conflict of Interest and Conflicts of Commitment

The primary responsibility of employees of UTHSCT is the accomplishment of the duties and responsibilities assigned to one's position. UTHSCT employees may not have a direct or indirect interest, financial or otherwise, 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 their duties for UTHSCT

Activities on behalf of outside entities or individuals must not interfere with a UTHSCT employee's fulfillment of his/her duties and responsibilities to UTHSCT. Such conflicts of commitment may arise regardless of the location of these activities (on or off campus), the type of outside entity (individual, for-profit, not-for-profit), or the level of compensation (compensated or non-compensated)..

Refer to IHOP Policy 01.02.02, *Conflicts of Interest, Conflicts of Commitment, and Outside Activities*, and IHOP Policy 01.02.03, *Conflicts of Interest in Research*.

Gifts: There are two standards under Texas law governing gifts – (1) a general standard of conduct that applies to all employees and (2) a criminal standard that applies only to those persons who make recommendations or decisions about contracts and other financial transactions.

Under the general standard, you should not accept or solicit any gift, favor, or service that might reasonably tend to influence you in the discharge of official duties or that you know or should know is being offered with the intent to influence official conduct. This standard applies even though the donor is not asking you to do something in exchange for the gift. A gift is *anything of value*, including tickets to entertainment or sporting events, expenses for a trip, and food. Acceptance or solicitation of a gift in violation of this standard is not a criminal offense, but is grounds for discipline, including termination.

Criminal penalties may apply to persons who make recommendations or decisions about UTHSCT financial transactions. If those are your job duties, you may not accept a gift from an individual or entity that is interested in or likely to become interested in that transaction, with limited exceptions. Under those exceptions, it is not a criminal offense to accept the following type of gift if the gift is not given in exchange for your official action (it is *never* lawful to accept a gift in exchange for official action):

- Non-cash items worth less than \$50.
- A gift from a person such as a relative, friend, or business associate with whom you have a relationship independent of your official status, if the gift is given on account of that relationship rather than your official status.



- Food, lodging, transportation, or entertainment in any amount if you accept them as a “guest,” which means the donor must be present. [1]

Note that even though you may accept a gift described above without committing a crime, acceptance of the gift may still violate the general standard of conduct and constitute grounds for discipline.

Additional restrictions apply if the gift is from a student loan lender. The definition of “student loan lender” is very broad and covers entities that may not traditionally be thought of as student loan lenders. It is important to remember that even though the acceptance of a gift may not constitute a crime, it may appear to the public that a gift has influenced you in performing your job. You should not accept any gift that could appear to influence your official conduct, even if the gift is technically legal.

Summary: Do not accept any gift that could appear to influence your official conduct.

***Honoraria:** Texas law prohibits the receipt of an honorarium by an employee if the honorarium would not have been received but for the employee’s official position or duties. However, receipt of an honorarium that is given as a result of the employee’s expertise in a particular academic discipline or other area of expertise is not prohibited by Texas law. For example, a departmental administrative official would be prohibited from receiving an honorarium if the invitation to speak was because he or she was a UTHSCT official. However, the prohibition would not apply if the individual was invited because of the employee’s special expertise and not because of the employee’s position with UTHSCT. It is permissible to accept food, transportation, and lodging in connection with a speech or other service performed in the employee’s official capacity, as long as the speech or service is more than perfunctory or superficial, and as long as the applicable vice president approves the acceptance.*

Summary: Do not accept an honorarium for services you would not have been asked to provide but for your official position or duties.

***Making Required Disclosures:** Familiarize yourself with any disclosures required by law, rule, or policy. Complete and file any required disclosures in a timely fashion. If you have any questions regarding disclosures, contact your supervisor.*

Summary: Be aware of any disclosure you are required to make and be sure to file them timely.

***Consequences for Violations:** There are consequences for failing to comply with conflict of interest laws, rules, or policies. The law provides that appropriated money may not be used to compensate an employee who violates the standards of conduct. Failure to comply is grounds for disciplinary action by UTHSCT, including termination of employment. Additionally, civil and criminal penalties may apply under certain circumstances.*

Summary: You may be subject to disciplinary action or civil or criminal penalties for violating a conflict of interest law, rule, or policy.

***Application of Other Conflicts of Interest Policies, Contract Provisions, Agreements, Laws, or Rules:** This policy does not rescind any other policy provided by UT System or UTHSCT, any departmental policy, any contract provision, or any law or rule that is more specific or more restrictive concerning conflicts of interest or conflicts of commitment. You are required to comply with the more specific or restrictive policy, contract provision, agreement, law, or rule.*

***Questions:** If you have questions about an actual or potential conflict of interest or conflict of commitment, you may ask your supervisor. Additionally, you may always contact the UTHSCT Conflict of Interest Official with any conflict of interest questions at (903) 877-7704.*



^[1] The law provides additional prohibitions if the donor is a lobbyist registered with the Texas Ethics Commission. It is advisable to consult the UTHSCT Office of Legal Affairs before accepting a gift from a lobbyist.

Acknowledgment: *I acknowledge that I have received a copy of, read, and agree to abide by IHOP Policy 01.02.01, Ethics and Standards of Conduct; Texas Government Code § 572, Subchapter C Standards of Conduct and Conflict of Interest Provisions (§ 572.051 – §572.061) (**Attachment A**); Texas Government Code § 2113.014, Employee Standards of Conduct (**Attachment B**); and Texas Government Code §556.004 – §556.008, Political and Legislative Activities (**Attachment C**).*

Printed Name

Signature

Date



ATTACHMENT "A"

**Texas Government Code Chapter 572
SUBCHAPTER C. STANDARDS OF CONDUCT AND CONFLICT
OF INTEREST PROVISIONS**

§ 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.

(b) 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.

(c) 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:
 - (A) each new employee not later than the 3rd business day after the date the person begins employment with the agency; and
 - (B) each new officer not later than the 3rd business day after the date the person qualifies for office.

(d) 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.

(e) Subchapters E and F, Chapter 571, do not apply to a violation of this section.

(f) 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 investigation the alleged violation. This subsection does not apply to an alleged violation by a member or employee of the commission.

§ 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.

§ 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.

(b) 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.

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

§ 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, Chapter 573, is registered as a lobbyist under Chapter 305 with respect to the subject matter of the measure or bill.

(b) 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:

- (A) the member;
- (B) the measure, bill, or class of measures or bills with respect to which the notice is required under this section; and
- (C) the person registered as a lobbyist; and

(2) be included in the journal of the house to which the member belongs.

(c) 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.

(d) 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 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.



(e) 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, Article III, Texas Constitution.

(f) In this section, "communicates directly with" and "member of the legislative branch" have the meanings assigned by Section 305.002.

§ 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.

(b) 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.

(c) 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.

(d) Subsection (b) does not apply to a rulemaking proceeding that was concluded before the officer's or employee's service or employment ceased.

(e) Other law that restricts the representation of person before a particular state agency by a former state officer or employee of that agency prevails over this section.

(f) An individual commits an offense if the individual violates this section. An offense under this subsection is a Class A misdemeanor.

(g) In this section, the comptroller and the secretary of state are not excluded from the definition of "regulatory agency."

(h) 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.

§ 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.

(b) 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.



(c) *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.*

(d) *A person commits an offense if the person intentionally or knowingly violates this section. An offense under this subsection is a Class A misdemeanor.*

§ 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.*

(b) *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.*

(c) *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.*

(d) *A state officer who violates this section commits an offense. An offense under this subsection is a Class A misdemeanor.*

§ 572.057. Certain Leases Prohibited

(a) *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.*

(b) *A lease made in violation of Subsection (a) is void.*

(c) *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.*

§ 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, 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. The officer may not vote or otherwise participate in the decision. The disclosure shall be entered in the minutes of the meeting.*

(b) *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.*

(c) *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.*

(d) *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.*

(e) *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.*

(f) *In this section, "personal or private interest" has the same meaning as is given to it under Article III, Section 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.*



§ 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.

(b) 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.

(c) 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:
 - (A) the officer's actions relating to a legislative measure; or
 - (B) the substance, effects, or potential effects of a legislative measure.

§ 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:

(A) an organization that:

- (i) 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;
- (ii) does not attempt to influence legislation as a substantial part of the organization's activities; and
- (iii) has not elected under Section 501(h), Internal Revenue Code of 1986, to have that subsection apply to the organization; or

(B) a governmental entity; or

(2) recommend to any person that the person make a contribution to an organization or entity described by Subdivision (1).

(b) 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, Chapter 659.



(c) 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.

(d) 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; or*
- (3) a benefit to the state officer or state employee for purposes of Sections 36.08 and 36.09, Penal Code.*

§ 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, Parks and Wildlife Code.



ATTACHMENT "B"

***Texas Government Code Chapter 2113
Employee Standards of Conduct***

§ 2113.014. Employee Standards of Conduct

(a) A state agency may not use appropriated money to compensate a state employee who violates a standard of conduct described by Section 572.051.

(b) A state agency shall provide each state employee it employs a copy of this section and the standards of conduct described by Section 572.051 and require a signed receipt on delivery. A new copy and receipt are required if one of those provisions is changed.

(c) A state agency shall maintain receipts collected from current state employees under this section in a manner accessible for public inspection.



ATTACHMENT "C"

Texas Government Code Chapter 556 Political and Legislative Activities

§ 556.004. Prohibited Acts of Agencies and Individuals.

(a) A state agency may not use any money under its control, including appropriated money, to finance or otherwise support the candidacy of a person for an office in the legislative, executive, or judicial branch of state government or of the government of the United States. This prohibition extends to the direct or indirect employment of a person to perform an action described by this subsection.

(b) A state officer or employee may not use a state-owned or state-leased motor vehicle for a purpose described by Subsection (a).

(c) A state officer or employee may not use official authority or influence or permit the use of a program administered by the state agency of which the person is an officer or employee to interfere with or affect the result of an election or nomination of a candidate or to achieve any other political purpose.

(d) A state employee may not coerce, attempt to coerce, command, restrict, attempt to restrict, or prevent the payment, loan, or contribution of any thing of value to a person or political organization for a political purpose.

(e) For purposes of Subsection (c), a state officer or employee does not interfere with or affect the results of an election or nomination if the individual's conduct is permitted by a law relating to the individual's office or employment and is not otherwise unlawful.

§ 556.005. Employment of Lobbyist.

(a) A state agency may not use appropriated money to employ, as a regular full-time or part-time or contract employee, a person who is required by Chapter 305 to register as a lobbyist. Except for an institution of higher education as defined by Section 61.003, Education Code, a state agency may not use any money under its control to employ or contract with an individual who is required by Chapter 305 to register as a lobbyist.

(b) A state agency may not use appropriated money to pay, on behalf of the agency or an officer or employee of the agency, membership dues to an organization that pays part or all of the salary of a person who is required by Chapter 305 to register as a lobbyist. This subsection does not apply to the payment by a state agency of membership fees under Chapter 81.

(c) A state agency that violates Subsection (a) is subject to a reduction of amounts appropriated for administration by the General Appropriations Act for the biennium following the biennium in which the violation occurs in an amount not to exceed \$100,000 for each violation.

(d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.

§ 556.0055. Restrictions on Lobbying Expenditures.

(a) A political subdivision or private entity that receives state funds may not use the funds to pay:

(1) lobbying expenses incurred by the recipient of the funds;

(2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305;

(3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (2); or

(4) a person or entity that has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.



(b) A political subdivision or private entity that violates Subsection (a) is not eligible to receive additional state funds.

§ 556.006. Legislative Lobbying.

(a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.

§ 556.007. Termination of Employment.

A state employee who causes an employee to be discharged, demoted, or otherwise discriminated against for providing information under Section 556.006(b) or who violates Section 556.004(c) or (d) is subject to immediate termination of employment.

§ 556.008. Compensation Prohibition.

A state agency may not use appropriated money to compensate a state officer or employee who violates Section 556.004(a), (b), or (c) or Section 556.005 or 556.006(a), or who is subject to termination under Section 556.007.