

What is the first degree of affinity?

According to § 573.025 (a) of the Government Code, a husband and wife are related to each other in the first degree of affinity.

What is a “person”?

HB 914 did not define a “person”. However, the Code Construction Act, which applies to the Local Government Code, provides a definition of a person when a statute does not specifically define the term.

Under the Code Construction Act, a “person” includes not only an individual but a “corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.”

What is a “gift”?

HB 914 did not define the term “gift”.

Are gifts to the local governmental entity included in the conflicts disclosure statement?

No. The only gifts that have to be reported are gifts received by the local government officer or family member.

Are all gifts included in the \$250 aggregated total?

No. Gifts of food, lodging, transportation, or entertainment accepted as a guest are not included in the \$250 calculation. The \$250 total is calculated on a per vendor basis.

Who determines the value of the gift?

Section 176 of the Local Government Code is silent on this issue. A person that provides a gift to the local government officer can provide a statement or letter indicating the value of the gift to facilitate the accounting and reporting of the gift.

If I received a gift but didn’t accept the gift, do I need to report it?

Yes. The gift needs to be reported. However, a local government officer can “check the box” on the conflicts disclosure statement that indicates that the gift was not accepted.

Is there a penalty for not filing the conflicts disclosure statement?

Yes. It is a Class C misdemeanor punishable by a \$500 fine if the local government officer knowingly violates the requirement.

Are there any defenses to prosecution?

Yes. A local government officer may file the conflicts disclosure statement no later than the seventh day after the date the person received notice of the violation.

Is the conflicts disclosure statement a sworn document?

Yes. The local government officer must sign an affidavit attesting to the truthfulness of the document.

Yes. If a school district maintains a Web site, the statute requires that these disclosure forms be posted on the district's Web site.