

## EXCERPTS FROM CURRENT APPROPRIATIONS BILL

**POLITICAL AID AND LEGISLATIVE INFLUENCE PROHIBITED.** None of the moneys appropriated by Articles I, II, III, and IV of this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or defeat of any legislative measure. This prohibition shall not be construed to prevent any official or employee of the State from furnishing to any Member of the Legislature or to any other State official or employee or to any citizen any information in the hands of employee or official not considered under law to be confidential information. Any action taken against an employee or official for compliance with this section shall subject the person initiating the action to immediate dismissal from State employment.

No funds under the control of any state agency or institution, including but not limited to state appropriated funds, may be used directly or indirectly to hire employees or in any other way fund or support candidates for the legislative, executive, or judicial branches of government of the state of Texas or the government of the United States.

None of the funds appropriated in this Act shall be expended in payment of the full or partial salary of any State employee who is also the paid lobbyist of any individual, firm, association or corporation.

No employee of any State agency shall use any State owned automobile except on official business of the State, and such employees are expressly prohibited from using such automobile in connection with any political campaign or any personal or recreational activity.

None of the moneys appropriated by this Act shall be paid to any official or employee who violates any of the provisions in this Section.

The head or heads of each agency of the State shall furnish each employee of such agency with a copy of the five (5) paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The preceding sentence shall not be construed to mean that new receipts are to be obtained each year from continuing employees who have previously receipted for copies of identical provisions prohibiting political aid and legislative influence. The receipts shall be kept accessible for public inspection.

**DUAL EMPLOYMENT WITH THE STATE.** All state employees are to be informed of their obligation and responsibility to inform both initial and second employers of their intent to accept an additional employment with the state.

### STANDARDS OF CONDUCT, EXCERPTS FROM ACTS 1973, 63<sup>RD</sup> LEGISLATURE, PAGE 1086, CHAPTER 421, Declaration of policy

**SECTION 1.** It is the policy of the State of Texas that no state officer or state employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and to strengthen the faith and confidence of the people of Texas in their state government, there are provided standards of conduct and disclosure requirements to be observed by persons owing a responsibility to the people of Texas and the government of the State of Texas in the performance of their official duties. It is the intent of the legislature that this Act shall serve not only as a guide for official conduct of these covered persons but also as a basis for discipline of those who refuse to abide by its terms.

#### Definitions

Sec.2. In this Act:

- (7) "State employee" means a person, other than a state officer, who is employed by:
- (A) a state agency;
  - (B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of civil appeals, or the Texas Civil Judicial Council; or
  - (C) either house of the legislature, or any agency, council, or committee of the legislature, including the Legislative Budget Board, the Texas Legislative Council, the State Auditor's Office, and the Legislative Reference Library.
- (8) "State agency" means:
- (A) any department, commission, board, office, or other agency that:
    - (i) is in the executive branch of state government;
    - (ii) has authority that is not limited to a geographical portion of the state; and
    - (iii) was created by the constitution or a statute of this state; or
  - (B) a university system or an institution of higher education as defined in Section 61.003, Texas Education Code, as amended, other than a public junior college.

#### Standards of conduct

Sec.8.

- (a) No state officer or state employee should accept or solicit any gift, favor, or service that might reasonably tend to influence him in the discharge of his official duties or that he knows or should know is being offered him with the intent to influence his official conduct.
- (b) No state officer or state employee should accept employment or engage in any business or professional activity, which he might reasonably expect would require or induce him to disclose confidential information acquired by reason of his official position.
- (c) No state officer or state employee should accept other employment or compensation which could reasonably be expected to impair his independence of judgment in the performance of his official duties.
- (d) No state officer or state employee should make personal investments which could reasonably be expected to create a substantial conflict between his private interest and the public interest.
- (e) No state officer or state employee should intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his official powers or performed his official duties in favor of another.

### 66<sup>th</sup> Legislature of Texas – Regular Session

#### STATE PURCHASING AND GENERAL SERVICES ACT, HOUSE BILL 1673, ARTICLE 8 – PROPERTY ACCOUNTING

Personal property belonging to the state shall be accounted for by the head of the agency which has possession of the property.

- (b) The commission shall administer the property accounting system. The state auditor shall administer the property responsibility system. The commission shall issue rules and regulations and a manual of instruction and prescribe such records, reports, and forms necessary to accomplish the objects of this article subject to the approval of the state auditor. The state auditor is directed to cooperate with the commission in the exercise of the commission's rulemaking powers herein granted by giving technical assistance and advice.
- (c) The commission shall maintain a complete and accurate set of centralized records of state property. Where the commission finds that an agency has demonstrated its ability and competence to maintain complete and accurate detailed records of the property it possesses without the detailed supervision by the commission, it may direct that the detailed records be kept at the principal office of such agency. Where the commission issues such order, it shall keep only summary records of the property of such agency and the agency shall keep such detailed records as the commission directs and furnish the commission with such reports at such times as directed by the commission.
- (d) Each agency head shall cause each item of state property possessed by his agency to be marked so as to identify it. The agency head shall follow the instructions issued by the commission in marking state property.

**SECTION 8.02 RESPONSIBILITY FOR PROPERTY ACCOUNTING.**

- (A) All state agencies shall comply with the provisions of this article and keep the property records required.
- (B) All real property owned by the state shall be accounted for by the agency which possesses the property. The real property administered by the General Land Office shall be accounted for by that office and not by the system prescribed herein, and the real property administered by the permanent funds established by the legislature and people shall be accounted for by the agency now charged with its administration and not by the system prescribed herein.
- (C) All personal property owned by the state shall be accounted for by the agency that possesses the property. The commission shall by regulation define what is meant by personal property for the purposes of this article, but such definition shall not include nonconsumable personal property having a value of \$250 or less per unit. In promulgating such regulations, the commission shall take into account the value of the property, its expected useful life, and if the cost of record keeping bears a reasonable relationship to the cost of the property on which records are kept. The commission shall consult with the state auditor in making such regulations and the auditor shall cooperate with the commission in the exercise of this rulemaking power by giving technical assistance and advice.
- (D) All medical, surgical, and technical equipment and supplies provided by the Texas Department of Health to local public health units, local public health laboratories, state institutions, and nonprofit institutions, contributing to the promotion and maintenance of public health by the usage of such medical, surgical, and technical equipment and supplies shall be accounted for by that department and not by the system prescribed in this article. The Texas Department of Health shall maintain at all times a complete record of such medical, surgical, and technical equipment and supplies provided and such records shall be verified by the state auditor and available to the federal auditors for the agency of the federal government making such grants for assistance in the purchase of such medical, surgical and technical equipment and supplies.

### SECTION 8.03. PROPERTY MANAGER: PROPERTY INVENTORY

- (a) Each agency head is responsible for the proper custody, care, maintenance, and safekeeping of the state property possessed by his agency.
- (b) Each agency head shall designate either himself or one of his employees as property manager. The commission shall be informed in writing by the agency head of the name of the property manager and shall be informed of any changes. Where the commission finds that convenience and efficiency will be served, it may permit more than one property manager to be appointed by the agency head.
- (c) The property manager shall maintain the required records of all property possessed by the agency and shall be the custodian of all such property.
- (d) No person shall entrust state property to any state official or employee or to anyone else to be used for other than state purposes.
- (e) When an agency's property is entrusted to some person other than the property manager, the property manager shall require a written receipt for such property executed by the person receiving the custody of the property. When the possessions of property of one agency is entrusted to another agency on loan, such transfer shall be done only when authorized in writing by the agency head who is lending such property and the written receipt shall be executed by the agency head who is borrowing such property. The property manager is relieved of the responsibility for property which is the subject of such a receipt.
- (f) Each agency shall make a complete physical inventory of all property in its possession once a year. The inventory shall be taken on the date prescribed for the agency by the commission.
- (g) The agency head shall forward a signed statement describing the method by which the inventory was verified, along with a copy of such inventory, within 45 days after the inventory date for the agency.
- (h) The commission shall supervise the property records of each agency, so that the records accurately reflect the property currently possessed by the agency. The commission shall prescribe the methods whereby items of property are deleted from the property records of the agency. Property that has become surplus or obsolete and no longer serviceable and has been turned over to the commission for disposal under the laws relating thereto shall be deleted from the records of that agency upon the authorization of the commission. Property that is missing from agency or property that is disposed of directly by the agency in a legal manner shall be deleted from the commission's records upon the authorization of the state auditor.

Section 8.04. CHANGE OF PROPERTY MANAGERS. When there is a change in agency heads or property managers, the incoming agency head or property manager shall execute a receipt for all agency property accounted for to the outgoing agency head or property manager. A copy of such receipt shall be delivered to the commission, the state auditor, and the outgoing agency head or property manager. No further warrants in favor of the outgoing agency head or property manager shall be drawn or paid until the state auditor has certified that the agency property had been properly accounted for. The state auditor may make this certification without requiring that a physical inventory be taken.

Section 8.05. LIABILITY FOR PROPERTY LOSS. Where agency property disappears, whether through theft or other cause, as a result of the failure of the agency head, property manager, or agency employee entrusted with the property in writing to exercise reasonable care for its safekeeping, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. Where agency property deteriorates as a result of the failure of the agency head, property manager, or agency employee entrusted with the property in writing to exercise reasonable care to maintain and service the property, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. Where agency property is damaged or destroyed as a result of an intentional wrongful act or of a negligent act of any state official or employee, such person shall be pecuniarily liable to the state for the loss thus sustained by the state. The liability prescribed by this section may be found to attach to more than one person in a particular instance; in such cases, the liability shall be joint and several.

SECTION 8.06. REPORTING TO STATE AUDITOR. When any state property has been lost, destroyed or damaged through the negligence or fault of any state official or employee, the agency head responsible for such property shall immediately report such loss, destruction, or damage, to the state auditor to investigate the matter. If the investigation discloses that an injury has been sustained by the state through the fault of a state official or employee, the state auditor shall make written demand upon such state official or employee for reimbursement to the state for the loss so sustained.

SECTION 8.07. LEGAL ACTION TO RECOVER MONETARY LOSS OF PROPERTY. In case the demand made by the state auditor for reimbursement for property loss, destruction, or damage is refused or disregarded by the state official or employee upon whom such demand is made, the state auditor shall report the facts to the attorney general. If, after an investigation of the facts, the attorney general finds that legal liability may be against the state official or employee, he shall take such legal action to recover the monetary loss of the state property occasioned by the loss, damage, or destruction as in his opinion may be deemed necessary. Venue for all such suits instituted against a state official or employee shall lie in the courts of appropriate jurisdiction of Travis County.

SECTION 8.08 FAILURE TO KEEP RECORDS. When an agency fails to keep the records required under the provisions of this article or fails to take the annual physical inventory, the commission shall so inform the comptroller and the comptroller may refuse to draw any warrants on behalf of such agency.

### SECTION 8.09. TRANSFER OF PERSONAL PROPERTY.

- (a) Any state agency is authorized to transfer any personal property of the state under its control or jurisdiction to any other state agency with or without reimbursement between the agencies, provided, however, that the provisions of this article shall not apply to any real property.
- (b) When any personal property under the control or jurisdiction of one state agency is transferred to the control or jurisdiction of any other state agency, such transfers shall be immediately and simultaneously reported to the commission by the transferor and transferee on forms prescribed by the commission, and it shall adjust the inventory records of the agencies involved in making the transfer. Whenever any transfer is made with reimbursements from funds deposited in the state treasury, the transferee shall issue a voucher payable to the transferor, and the comptroller of public accounts shall issue warrants for reimbursement.

SECTION 8.10. DISTRIBUTION OF THIS ARTICLE. Each agency head shall distribute a copy of this article to each official and employee of his agency and shall give a copy to each new employee of the agency.

## INTELLECTUAL PROPERTY POLICY REGULATIONS – THE UNIVERSITY OF TEXAS SYSTEM REGENT'S RULES AND REGULATIONS, PART TWO, CHAPTER XII Section 2

### Sec. 2. General Policy

#### 2.1 Individuals Subject to Policy

The intellectual property policy shall apply to all persons employed by the U. T. System and the component institutions of the System (including, but not limited to, full and part-time faculty and staff and visiting faculty members and researchers), to anyone using System facilities, to undergraduates, to candidates for master's and doctoral degrees, and to postdoctoral and predoctoral fellows.

#### 2.2 Types of Intellectual Property Included

Except as set forth in Subsections 2.3, 2.4, and 4.1 of this Chapter, this policy shall apply to and the Board may assert ownership in intellectual property of all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, research data and computer software) regardless of whether subject to protection under patent, trademark, copyright, or other laws.

(A complete copy of The System's Intellectual Property Policy will be furnished upon request and can be viewed at <http://www.utsystem.edu/bor/rules/MasterRRR.htm#PartTwo>.)

### NOTICE TO EMPLOYEES, RETALIATION PROHIBITED BY STATE LAW

"A state or local governmental body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports a violation of law to an appropriate law enforcement authority if the employee report is made in good faith."

"Law means a state or federal statute, an ordinance passed by a local governmental body or a rule adopted under a statute or an ordinance." – H.B. 1075, 68<sup>th</sup> Regular Session, Effective September 1, 1983.