



SAM HOUSTON STATE UNIVERSITY

A Member of The Texas State University System

OFFICE OF THE PRESIDENT

TO: *All Employees of Sam Houston State University*

FROM: *Dana L. Hoyt, President*

SUBJECT: *Mandatory Legislation Acknowledgment*

According to the State Laws enacted by the Fifty-second, the Sixty-fifth, and the Seventy-fifth Texas State Legislatures, the Head of each State agency is required to provide new employees with certain legislation and obtain an acknowledgment receipt for the information. The Human Resources Department web site (<http://www.shsu.edu/hr>) serves as official notification regarding federal and state legislation and Human Resources related information. As a new employee, it is your responsibility to access these topics at the web site indicated below in order to familiarize yourself with the legislation and information provided. This information could change over time. Employees are encouraged to review this page periodically for possible changes.

Each of the topics listed below can be accessed from the Employee Notification of State and Federal Legislation and Human Resources Information page (http://www.shsu.edu/~hrd_www/notification/) located on the Human Resources Department web site.

- (1) Political Aid & Legislation Influence Prohibited -Section 5, Article V; House Bill No.1 of the Seventy-second Legislature,*
- (2) Property Accounting System -Sections 8.01-8.10, Article 8 of Vernon's Texas Civil Statutes, and*
- (3) Standards of Conduct -Section 6.(1)-(5), Article IX; House Bill No.1 of the Seventy-fifth Legislature.*

In fulfilling this responsibility, please sign this sheet in the space indicated below to acknowledge you have received this information.

This is to certify that I have received a copy of the above referenced link. I understand that it is my responsibility as an employee of Sam Houston State University to familiarize myself with the federal and state legislation and Human Resources information provided on the Human Resources Department website. It is also my responsibility to periodically review the information for any changes.

- (1) Political Aid & Legislation Influence Prohibited -Section 5, Article V, House Bill No.1 of the Seventy-second Legislature,*
- (2) Property Accounting System -Sections 8.01-8.10, Article 8 of Vernon's Texas Civil Statutes, and*
- (3) Standards of Conduct -Section 6.(1)-(5), Article IX, House Bill No.1 of the Seventy- fifth Legislature.*

Employee Signature: _____ Date: ____/____/____

Print Employee Full Name _____ SS#: ____/____/____

For additional information, please contact the Human Resources Department at 936-294-1070 or access the Human Resources webpage: http://www.shsu.edu/~hrd_www/.

Section 5. Article V. House Bill
No.1 Seventy-second Legislature

Sec. 5. 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 committee upon request, or to any other state official or employee or to any citizen information in the hands of the employee or official not considered under law to be confidential information. Any action taken against an employee or official for supplying such information 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 salary for full-time employment of any state employee who is also the paid lobbyist of any individual, firm, association or corporation. None of the funds appropriated in this Act shall be expended in payment of the partial salary of a part-time employee who is required to register as a lobbyist by virtue of the employee's activities for compensation by or on behalf of industry, a profession or association related to operation of the agency or institution for which the person is employed. A part-time employee may serve as a lobbyist on behalf of industry, a profession or association so long as such entity is not related to the agency with which he or she is employed.

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 violated any of the provisions of 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 therefore 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.

Sections 8.01-8.10. Article 8 Of Vernon's Texas Civil Statute

Sec. 8.01. PROPERTY ACCOUNTING SYSTEM (a) This article applies to personal property belonging to the state.

(b) The commission shall administer the property accounting system and maintain a complete and accurate set of centralized records of state property based on information supplied by state agencies or the uniform statewide accounting system. The Property accounting system shall, to the extent possible, constitute the fixed asset components of the uniform statewide accounting system. The commission shall coordinate with the comptroller in issuing rules, instructions, and necessary requirements for the property accounting system, subject to review and comment by the state auditor. The rules, instructions, and requirements must be consistent with the requirements of the uniform statewide accounting system.

(c) 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.

Sec. 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 personal property owned by the state shall be accounted for by the head of the agency that has possession of the property. The commission shall by rule 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 \$500 or less per unit. In promulgating such rules, 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 rules and the auditor shall cooperate with the commission in the exercise of this rulemaking power by giving technical assistance and advice.

(c) All equipment and supplies which are purchased through a program, contract, or grant with the Texas Department of Health by or for qualified entities, including but not limited to individuals, corporations, local units of government and other state agencies and which are used to promote and maintain public health are exempt from the property accounting system prescribed by this article. The qualified entities shall maintain complete equipment and supply records. The Texas Department of Health may request the return of any usable equipment or supplies purchased with funds provided by the department upon the termination of the program, contract, or grant.

Sec. 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 on 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 custody of the property. When the possession 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 the 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.

Sec. 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.

Sec. 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.

Sec. 8.06. REPORTING TO STATE AUDITOR AND ATTORNEY GENERAL. When an agency head has reasonable cause to believe that 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 and to the attorney general. The attorney general may elect to investigate the matter, and if the investigation discloses that an injury has been sustained by the state through the fault of a state official or employee, the attorney general shall make written demand upon such state official or employee for reimbursement to the state for the loss so sustained.

Sec. 8.07. LEGAL ACTION TO RECOVER MONETARY LOSS OF PROPERTY. In case the demand made by the attorney general 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 attorney general 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.

Sec. 8.08. FAILURE TO KEEP RECORDS. When any 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.

Sec. 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.

(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 the 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 reimbursement 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.

Sec. 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.

Section 6.(1)-(5). Article IX. House Bill No.1
Seventv-fifth Legislature

STANDARDS OF CONDUCT FOR STATE EMPLOYEES. None of the funds appropriated by this Act shall be expended to pay the salary of a state employee who:

- (1) accepts or solicits any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct;
- (2) accepts other employment or engages in a business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason of the official position;
- (3) accepts other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties;
- (4) makes personal investments that could reasonably be expected to create a substantial conflict between the employee's private interest and the public interest; or
- (5) intentionally or knowingly solicits, accepts, or agrees to accept any benefit for having exercised the employee's official powers or performed the employee's official duties in favor of another .