



Economic Development Incentives Policy

The City of Anna, Texas, (City), in partnership with the Anna Community Development Corporation (CDC) and the Anna Economic Development Corporation (EDC), is committed to the promotion and retention of high quality development that increases economic diversity and sustainability, creates jobs, and provides value to the community. The City considers incentives based on the merit of each project and in accordance with the criteria outlined in this document, the City of Anna Economic Development Strategic Plan, and the City of Anna Strategic Plan. All recipients that are awarded incentives must meet or exceed the criteria and performance standards outlined below and enter into a performance agreement with the City, CDC, and/or EDC. Nothing in this policy shall imply or suggest that the City, CDC, or EDC are under any obligation to provide an incentive to any applicant. All applications are considered on a case-by-case basis.

City of Anna Strategic Plan Goal 1: Growing Anna Economy

Objectives:

1. Maintain and enhance an effective economic development organization that markets Anna, finds prospects, and closes the deal
2. Expand the commercial tax base
3. Provide more jobs for neighbors
4. Develop parcels along U.S. 75 with viable businesses
5. Have a built-out Business Park
6. Have expanded medical and healthcare services, including Clinic and Outpatient Surgical Center(s)
7. Expand retail, restaurant and entertainment businesses

Anna Economic Development Vision

Anna has created a balanced and sustainable tax base that invites high quality jobs and facilitates, excellent quality of life with well-maintained and first-rate infrastructure, and offers a wide range of housing and public facilities that build community identity and pride and engage neighbors in meaningful ways.

Economic Development Corporation (EDC) & Community Development Corporation (CDC)

The City has both a Type A and Type B Economic and Community Development Corporation as set up by the Texas Development Corporation Act of 1979. The Type A sales tax is primarily intended for manufacturing and industrial development. EDCs may use Type A revenues may fund land, buildings, equipment, facilities expenditures, targeted infrastructure and improvements for projects and job creation. The Type B sales tax may be used for any project eligible under Type A rules and several other project types, including quality of life improvements. Type B corporations may pay for land, buildings, equipment, facilities, targeted infrastructure and improvements. Type B corporations created by cities with a population of 20,000 or less and those classified as landlocked communities may use sales tax revenue to fund projects that promote new or expanded business development that do not create or retain primary jobs.

Project Criteria

Eligible projects must provide a return on investment (ROI) and benefit for public funds provided. ROI may be determined through an analysis of:

- Total capital investment and resulting taxable value generating annual increases of property tax revenue
- The number and type of jobs to be created
- Estimated ability to generate direct and/or indirect sales tax revenue
- Estimated ability to generate future overnight stays that result in future direct hotel occupancy fund revenue and indirect revenue associated with visitors

Recommendations for incentives are based on the evaluation of the following:

- Fiscal Impact
 - What is the estimated total value of capital investment for buildings, other real property improvements and furniture, fixtures, and equipment?
 - What is the total projected annual operating budget of the facility?
 - What is the value of real and business personal property that will be added to the tax rolls?
 - How much direct sales tax will be generated?
 - How much infrastructure construction be required?
 - What is the estimated return on public investment?
- Employment Impact
 - How many permanent jobs will be brought to Anna?
 - How many jobs will be retained?
 - What types of jobs will be created?
 - What will the total annual payroll be?
 - What is the average annual salary of jobs created and/or retained?
- Community Impact
 - How compatible is the project with the City's Comprehensive Plan and Economic Development Strategic Plan goals?
 - How does the project support quality of life benefits such as preservation of open space and development enhancements?
 - What effect would the project have on the local housing market?
 - What environmental impact, if any, will be created by the project?
 - What effect would the project have on other taxing entities?

Targeted Priorities

The City may consider providing incentives for projects that further the City's strategic plans.

- Job Creation – The City may consider an incentive for the creation and maintenance of jobs by offering a grant payment for companies that create or relocate a minimum of 25 full-time jobs within the City. The company must maintain the number of jobs created and/or relocated for at least a 5-year period to receive the total grant payment. Each job eligible for grant payment must pay at least 100% of the average annual wage for Collin County, as determined by the United States Dept. of Labor, Bureau of Labor Statistics.
- Downtown – The City may consider incentives for projects within or immediately surrounding the City's downtown that advance the goals of the Downtown Master Plan. Incentives may include grants or reimbursement for improvements to new or existing buildings, pedestrian corridors, façades, murals or public art, iconic signage and/or lighting.
- Niche / Specialty Retail, Entertainment, Restaurant – The City may consider providing incentives to “destination” retailers or restaurants that have the capability to attract customers from outside the area, serve as a catalyst for other development in the area, and/or provide new and different shopping, dining, or entertainment experiences.
- Office – The City may consider providing incentives for corporate headquarters and/or regional offices as well as multi-tenant offices for professional services (accountants, engineers, architects, medical, information technology, lawyers, advertising and media, management consulting, financial, insurance, wealth management, actuary, etc.).
- Distribution and Logistics – The City may consider providing incentives to support the supply chain of existing primary employers and better serve current and future neighbors.
- Advanced and Light Manufacturing – The City may consider providing incentives for corporate headquarters and/or regional service locations.
- Medical / Healthcare – The City may consider providing incentives to provide additional medical and healthcare related businesses to support the existing and better serve current and future neighbors.
- Data Centers – The City may consider providing incentives for projects including data centers to support current and future businesses.

List of Available Incentives

The following may be offered by the City, CDC, and/or EDC for economic development projects that meet eligibility criteria. Not all tools are available for each project and any incentive is at the discretion of the Anna City Council and/or CDC and EDC Board. Investment from the City does not preclude other state, county or local incentives.

- Chapter 380 Agreements – Authorized under Chapter 380 of the Texas Local Government Code, this agreement between the taxpayer and taxing entity offers a variety of fee-based or tax-based incentives, including grants, loans, or rebates to promote local economic development and stimulate business and commercial activity.
- Economic Development Grants – The City has both Type A and Type B sales tax corporations. Funds may be available to finance qualified projects as determined by the Boards of the EDC and/or CDC.
- Fee Reductions / Waivers – The City may consider decreasing or waiving certain development fees on eligible projects.

- Triple Freeport Tax Exemption – The City, Anna Independent School District, and Collin County all allow freeport exemption on certain types of tangible personal property (i.e. inventory, etc.) from ad valorem property taxation provided the property is:
 - Acquired in or imported into Texas to be forwarded out of the state.
 - Detained in Texas for assembling, storing, manufacturing, processing, or fabricating purposes by the entity acquiring or importing it.
 - Transported out of state within 175 days after the date acquired or imported it into Texas.
 - Applications for freeport exemptions must be filed with the Collin County Appraisal District.
- Infrastructure Assistance – The City may facilitate development through enhancement of water, sewer, and/or roadway infrastructure relevant to sites selected for significant projects as needed.
- Modification of Development Regulations / Standards – The City may provide provisions for modifying development standards or regulations for unique developments that support major new tax benefits for the City or incorporates construction or design features that far exceed the City's regulations.
- Property Tax Rebates / Abatements – Authorized by Chapter 312 of the Texas Property Tax Code, the City may exempt all or a portion of the increase in the value of real and/or business personal property from taxation. A cost benefit analysis will be performed to determine the feasibility of the project as well as the percentage and terms of abatement. All abatements are subject to final approval of the City Council.
- Public Improvement Districts (PID) – Authorized by Chapter 372 of the Texas Local Government Code, the City may finance the cost of qualified improvements within a defined area. Applications for a PID must be made separately from other incentives. Please refer to the City of Anna Public Improvement District Policy.
- Tax Increment Reinvestment Zone (TIRZ) – Authorized by Chapter 311 of the Texas Tax Code, the City may use tax increment financing to enter into economic development and infrastructure reimbursement agreements to pay for improvements. The TIRZ, whether City-initiated or petitioned by the property owners, sets up a geographic boundary that can be used develop raw land and proactively address decline or deterioration. Note: The creation of a TIRZ may specify how tax revenue is allocated or spent, but does not in any way impact the tax rate as TIRZs have no taxing or assessment powers.

Statement on Tax Abatement

The Property Development and Tax Abatement Act, Chapter 312, Texas Tax Code, allows the City to establish its own criteria for tax abatements. Tax abatements may be offered in two categories: 1) real property and/or 2) business personal property.

Real property abatements will be offered to applicants that pursue the construction of new or expanded facilities in which to house the applicable project. The abatement will apply to the assessed value of improvements made.

Business personal property abatements will be offered to applications that pursue the purchase or long-term lease of existing facilities. The abatement will apply to the assessed value of new personal property brought into the taxing jurisdiction. Assessed value shall mean the taxable value of real property improvements and business personal property as determined by the county appraisal district in which the property is located.

Value of Incentives

The subject criteria outlined herein will be used in determining whether it is in the best interest of the City, CDC and EDC to provide incentives. Specific considerations include how the individual project furthers the goals and objectives of the community and the impact of the project. The public benefit or amount of revenue realized by the City and attributable to the project must equal or exceed the value of any incentives granted under the application.

Eligible Activities

Incentive funds may be used for one or more of the following to assist development or redevelopment:

- Capital investment related to real property construction and acquisition
- Improvements to an existing building
- Infrastructure
- Site enhancements such as upgraded aesthetics or amenities
- Other purposes which bring value to the community as determined by the Anna City Council, EDC and CDC

Exclusionary Factors

While a project may meet all minimum project qualifications, it will not be considered for public investment if any of the following factors apply:

- The project would, for any reason, result in a net reduction of the ad valorem tax valuation of facilities in the City owned by the company, or its parent, subsidiary or affiliated companies
- The company is not in good legal or financial standing with the State of Texas (or other state if not formed in Texas), Collin County, or City
- The company is not registered to do business in Texas as evidenced by the records of the Texas Secretary of State
- The financial condition of the company is such that the ability of the company to meet its obligations is uncertain

Public Information

While Section 522.131 of the Texas Government Code (Public Information Act) makes information related to economic development negotiations between the City and business prospect confidential, any information provided by an applicant may be subject to release to the public pursuant to the Act.

It is the responsibility of the applicant to clearly identify proprietary or confidential information it wishes to protect from release. According to Section 312.003 of the Texas Tax Code, part of an application that describes the specific process or business activities to be conducted or equipment or other property is not subject to public disclosure until the incentive agreement is executed.

The City will make reasonable attempts to notify the applicant if a request is made for information that is indicated as confidential so that the applicant may assert its rights to be withheld from release to the Texas Attorney General.

Application

The first step for any applicant is to submit an application and include information detailing the criteria outlined above. For the application to be complete, the applicant shall prepare a map or other documents that show the precise location of the property. The map or other documents should show the existing uses and conditions of real property, proposed improvements and uses, and proposed zoning changes if applicable. Additional documentation should also show compatibility with the City of Anna 2035 Comprehensive Plan and applicable building codes and City ordinances. An application for financial or other incentives shall not be considered an application for a permit under Chapter 245 of the Texas Local Government Code.

Applications are submitted through a third-party software program and can be found online at <https://opportunityannatx.com/the-edc-cdc/>.

Application Review Procedural Guidelines

- All information in the application package will be reviewed for completeness and accuracy.
- The City, EDC and CDC will not enter into an incentive agreement with any business entity unless, in accordance with Section 2252.908 of the Texas Government Code and rules adopted by the Texas Ethics Commission, a disclosure of interested parties is submitted. (Referenced: Form 1295) <https://www.ethics.state.tx.us/filinginfo/1295/>
- The attached disclosure form is required to be executed before a notary and submitted before any incentives will be considered.
- The City's Economic Development Department will review the application with the City Manager and appropriate City departments for internal review and comments. Additional information may be requested as needed.
- The Anna Community Development Corporation (CDC) Board and Anna Economic Development Corporation (EDC) may serve as an advisory body which make recommendations to the City Council regarding whether economic development incentives should be offered in each individual case. The CDC and/or EDC Board may also provide incentives using CDC/EDC funds when appropriate. All meetings of the CDC/EDC Board shall be held in compliance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Additional information may be requested as needed.
- The CDC/EDC Board may consider adoption of a resolution approving the terms and conditions of a contract between the CDC/EDC and the applicant.
- If the City Council decides to grant a tax abatement, it shall call a public hearing to consider establishment of a tax reinvestment zone in accordance with Section 312.201 of the Tax Code. This does not preclude the City from entering into a Chapter 380 agreement that may have incentives similar to those derived by tax abatement.
- The City Council may consider adoption of an ordinance or resolution approving the terms and conditions of a contract between the City and the applicant governing the provision of the tax abatement or incentive and the commitments of the applicant, including all terms required by Section 312.205 of the Tax Code and other terms and conditions as the City Council may require
- The City reserves the authority to enter into tax abatement agreements at differing percentages and/or terms, consistent with the requirements of the Texas Tax Code. The City also reserves the authority to enter into incentives agreements under Chapter 380 of the Texas Local Government Code.

- Those receiving incentives will be required to enter into a performance agreement. Projects that do not meet performance measures are subject to recapture of all or a portion of the incentive value.

**CITY OF ANNA, TEXAS
INCENTIVE POLICY
SELF-DISCLOSURE STATEMENT**

It is the intention of the City of Anna, Anna EDC, and/or Anna CDC (collectively, the “City”) to conduct certain due diligence as it continues negotiations with _____ (“Developer”) relating to possible incentives to be provided by the City to such person or entity for economic or community development purposes (the “Project”). Please answer each of the following questions completely, thoroughly, and truthfully, to the best of your knowledge:

1. Who are the principals and key personnel involved in the Project? Please provide the Developer’s (1) complete legal name, (2) date of birth, (3) home address (primary residence), and (4) social security number for each of its principals, management, partners, and affiliates of each entity involved with or affiliated with Developer in seeking the Project (NOTE: *For the purposes of this questionnaire, the term “Developer” also includes: (1) the landowners that are the subject of item 5, below; and (2) _____ (LIST OTHER AFFILIATED PARTIES).*).

2. Please describe the role that each Developer entity/principal/management/partner/affiliate referenced above has or will have in the Project.

3. Have any of the Developer entities/principals/management/partners/affiliates referenced above previously been involved in developing projects similar to the Project? If so, list each such project and each jurisdiction (City or County) where this has occurred.

4. Are there any conflicts of interest amongst the Developer entities/principals/management/partners/affiliates or between any of them and the City or their respective officers, officials, employees, representative, or agents, with respect to the development involving the Developer, affiliates of the Developer, or principals of the Developer? If yes, please describe.

5. Please list all landowners of the property or buildings proposed to comprise the Project. Are there plans to transfer any land in the Project? If so, to what persons/entities and when will the transaction(s) occur.

6. Has the Developer or landowner(s), or principal or person or entity owning an interest in the Developer or landowner(s), or any affiliate of the Developer or landowner(s):

a. Been charged or convicted of a felony or misdemeanor or otherwise been subject to an investigation, inquiry, or order by the SEC, the IRS, or any other federal or state agency?

YES ___ NO ___ [If YES, provide information.]

b. Been delinquent or in default on any loans, lines of credit or other obligation related to the development of other projects, including without limitation the payment of assessments securing bonds issued by a public improvement district or a similar issuer?

YES ___ NO ___ [If YES, provide information.]

c. Been in default in connection with any incentive agreement, development agreement, subdivision improvement agreement, capital improvements agreement, completion guarantee/agreement, take-down agreement, or similar agreement related to the development of real property or any other project?

YES ___ NO ___ [If YES, provide information.]

d. Been a party to a lawsuit in which it was alleged that they or another party were in default or otherwise breached any incentive agreement, development agreement, subdivision improvement agreement, capital improvements agreement, completion guarantee/agreement, take-down agreement, or similar agreement related to the development of real property or any other project?

YES ___ NO ___ [If YES, provide information.]

e. Filed for bankruptcy, an assignment for the benefit of creditors, been declared bankrupt or insolvent under either a state or federal proceeding?

YES ___ NO ___

If YES, specify date and location of court where bankruptcy or other action took place.

f. Been the party to any lawsuit or claim regarding any project or related property?

YES ___ NO ___

If YES, please attach a copy of the complaint/petition, or if unavailable, please list the court in which the action is pending and the case number, or if the claim or

action has not yet been filed please attach all documents summarizing the claim or action.

7. Is there any other material litigation, threatened or actual, affecting the Developer whether or not related to the Project?

YES ___ NO ___

If YES, please attach a copy of the complaint/petition, demand/threat and/or the court in which the action is pending and the case number, or if the claim or action has not yet been filed please attach all documents summarizing the claim or action.

8. Are there any other foreseeable circumstances not described above that could prevent or significantly delay, hinder or negatively affect the proposed development of the Project?

YES ___ NO ___ [If YES, please explain.]

9. Have either landowner(s) or the Developer ever failed to pay any portion of property taxes or assessments on time, contested any property taxes or assessments or refused or been unable to pay any property taxes or assessments?

YES ___ NO ___ [If YES, please explain.]

10. Please provide any other information and/or documentation that may be considered material to the Project, or the Developer, its affiliates or principals, necessary to provide potential investors with a full understanding of the Project, the proposed financing and the Developer's creditworthiness.

Provide a list of other projects developed by the Developer.

Provide notarized signature page below for each person identified in Question 1 above.

11. If an entity enters into an agreement with the City regarding the Project or property therein it is highly likely that a Form 1295 will need to be filed with the Texas Ethics Commission in accordance with Texas Gov't Code § 2252.908 "Disclosure of Interested Parties". Please provide the City with all of the information that would be required to fill out the attached Form 1295 (other than actual signatures) and submit to the City as part of this due diligence inquiry.

I, the undersigned, hereby solemnly swear that the information contained in the above self-disclosure statement is complete and correct to the best of my knowledge. I hereby authorize the City of Anna, Texas and its designated agents, attorneys and representatives to conduct a comprehensive review of my background, causing a consumer report and/or an investigative consumer report to be generated for each person identified in Question 1 above. I understand that the scope of the consumer report/investigative consumer report may include, but is not limited to the following areas: verification of social security number; current and previous residences; employment history; education background; character references; civil and criminal history records from any criminal justice agency in any or all federal, state, county jurisdictions; driving records;

birth records; and any other public records.

I further authorize any individual, company, firm, corporation, or public agency (including the Social Security Administration and law enforcement agencies) to divulge any and all information, verbal or written, pertaining to me, to the City of Anna, Texas or its agents or attorneys. I further authorize the complete release of any records or data pertaining to me which the individual, company, firm, corporation, or public agency may have, to include information or data received from other sources.

I hereby release the City of Anna, Texas, the Social Security Administration, and its agents, officials, representative, or assigned agencies, including officers, employees, attorneys, or related personnel both individually and collectively, from any and all liability for damages of whatever kind, which may, at any time result to me, my heirs, family, or associates because of compliance with this authorization and request to release.

DEVELOPER:

By: _____

Name:

Title:

STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me, on the ___ day of _____, 20____, by _____, _____ of _____, a _____, on behalf of said _____.

Notary Public in and for the State of Texas

[SEAL]

Business Entity: Disclosure of Interested Parties Texas Government Code § 2252.908, as Amended

In accordance with Section 2252.908 of the Texas Government Code, the City of Anna may not enter into a contract with a business entity that requires the approval of the City Council until that business entity files a Form 1295 with the Texas Ethics Commission through the Texas Ethics Commission's online reporting and then files the completed, signed, and notarized Form 1295 with the City Secretary of the City of Anna.

Section 2252.908 of the Government Code was enacted by the Texas Legislature in 2015 by House bill 1295. Section 2252.908 was amended in 2017. Regulatory provisions were also adopted and have been subsequently amended. This summary explanation pertains to the statutory and regulatory provisions as amended, with the latest amendments effective January 1, 2018. Under this law, any business entity that enters into a contract with the City that requires the approval of the City Council must disclose its interested parties through the "Certificate of Interested Parties", Form 1295, promulgated by the Texas Ethics Commission, unless the business entity is exempted from this reporting requirement (for example, as amended, publicly traded business entities are exempt).

The completed and signed Form 1295 must be submitted to the City Secretary prior to the execution of the contract. However, if the business entity believes that it is exempted from this reporting requirement, then it must provide a written affirmation of its exemption, stating how it qualifies for an exemption, to the City Secretary.

The Texas Ethics Commission remains charged with adopting rules to implement Section 2252.908 of the Government Code. The rules adopted by the Texas Ethics Commission are located at Sections 46.1, 46.3, 46.4, and 46.5 of Title 1 of the Texas Administrative Code.

The Texas Ethics Commission's website is: www.ethics.state.tx.us. The area of their website pertaining to Form 1295 is: www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

Each business entity must visit the Texas Ethics Commission website, since **Form 1295 must be completed electronically through the Texas Ethics Commission website** (handwritten forms are not allowable).

Once the business entity has completed their electronic filing of Form 1295 with the Texas Ethics Commission, then the business entity must print out the form, and complete and sign the declaration. The declaration must be signed by an authorized agent of the business entity. This declaration replaces the previous notary requirement. The declaration requires the Declarant (who must be an authorized agent of the business entity) to provide the Declarant's date of birth. The Texas Ethics Commission has advised that it will not show the Declarant's date of birth in the copies of Form 1295 available through its website.

Once Form 1295 is completed and the declaration completed and signed, the business entity must submit the completed and signed Form 1295 to the City Secretary. Please mail or deliver the completed and signed Form 1295 to the following:

City Secretary
City of Anna
P.O. Box 776
Anna, Texas 75409

The above process must be completed before the City Council may execute the contract. No portion of the Form 1295 process commits the Council to any type of award of contract whatsoever.

After the City Secretary receives the completed and signed Form 1295, the Office of the City Secretary will, within 30 days, go the Texas Ethics Commission website to submit electronic confirmation of the City's receipt of the completed and signed Form 1295.

The City Secretary's Office hopes this summary information is helpful. This summary explanation is not exhaustive, and all business entities are encouraged to visit the Texas Ethics Commission website, which contains Frequently Asked Questions, instructional videos, and much more information on the Form 1295, Certificate of Interested Parties requirements and/or to consult with their own counsel.

See following pages for an Example Form and the Statutory Provision

CERTIFICATE OF INTERESTED PARTIES **EXAMPLE ONLY** FORM 1295

OFFICE USE ONLY

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

[Fill in the requested business entity information]

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Anna, Texas

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

[Fill in contract number]

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary
See Section 2252.908 of the Texas Government Code, Sections 46.1, 46.3, 46.4, and 46.5 of Title 1 of the			
Commission website, Texas Administrative Code, and the Texas Ethics			

5 Check only if there is NO interested party. Check this box if it is applicable

6 UNSWORN DECLARATION

My name is Name of Declarant and my date of birth is Declarant's date of birth

My address is Street number and name City State Zip Country
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____

(list county and state where executed and date of execution) (month) (year)

Signature of Declarant

Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

Form provided by TexasEthics Commission

www.ethics.state.tx.us

Revised 12/22/2017

Tex. Gov't Code § 2252.908, as amended, effective September 1, 2017

(a) In this section:

- (1) "Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.
- (2) "Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.
- (3) "Interested party" means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.
- (4) "State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

(b) This section applies only to a contract of a governmental entity or state agency that:

- (1) requires an action or vote by the governing body of the entity or agency before the contract may be signed; or
- (2) has a value of at least \$1 million.

(c) Notwithstanding Subsection (b), this section does not apply to:

- (1) a sponsored research contract of an institution of higher education;
- (2) an interagency contract of a state agency or an institution of higher education; or
- (3) a contract related to health and human services if:
 - (A) the value of the contract cannot be determined at the time the contract is executed; and
 - (B) any qualified vendor is eligible for the contract;
- (4) a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;
- (5) a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code; or
- (6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.

(d) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, 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.

(e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:

- (1) a list of each interested party for the contract of which the contracting business entity is aware; and
- (2) a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury that is in substantially the following form:

"My name is _____, my date of birth is _____, and my address is _____, _____, _____, _____, _____, (Street) (City) (State) (Zip Code) _____"

_____. I declare under penalty of (Country) perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, _____.
(Month) (Year)

Declarant”.

- (f) Not later than the 30th day after the date the governmental entity or state agency receives a disclosure of interested parties required under this section, the governmental entity or state agency shall submit a copy of the disclosure to the Texas Ethics Commission.
- (g) The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission’s Internet website.