



TEXAS ETHICS COMMISSION



ETHICS ADVISORY OPINION NO. 141

April 28, 1993

Whether appointed members of the Texas Judicial Council are required to file annual financial disclosure statements pursuant to article 6252-9b, V.T.C.S. (AOR-165)

The Texas Ethics Commission has been asked whether appointed members of the Texas Judicial Council are required to file annual financial disclosure statements pursuant to article 6252-9b, V.T.C.S. Under section 3 of article 6252-9b, V.T.C.S., certain government officers and employees are required to file financial disclosure statements with the Ethics Commission. See [Ethics Advisory Opinion No. 1](#) (1992).

The Judicial Council is made up of 10 ex officio members and nine citizen members. Gov't Code § 71.011. The ex officio members are judges and legislators.¹ *Id.* § 71.012. The citizen members are appointed by the governor. *Id.* § 71.014. The question is whether appointed members of the board are required to file as "appointed state officers." An appointed state officer is an officer of an agency *in the executive branch* of state government. V.T.C.S. art. 6252-9b, § 2(1), (3)(C), (8). Because the Judicial Council is made up of members of the legislative and judicial branches as well as members appointed by the governor, we do not think the Judicial Council is an executive branch agency for purposes of article 6252-9b. Therefore, appointed members are not required to file as "appointed state officers."²

SUMMARY

Appointed members of the Texas Judicial Council are not required to file annual financial statements as "appointed state officers" under article 6252-9b, V.T.C.S.

¹ It is possible that one or two members may be former legislators since two of the members are the immediate past chairman of the Senate Jurisprudence Committee and the immediate past chairman of the House Judiciary Committee. Gov't Code § 71.012(a)(1), (4), (6).

² The ex officio members may be required to file financial disclosure statements by virtue of their judicial or legislative offices.