

BILL ANALYSIS

C.S.H.B. 1735
By: Truitt
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Due to Texas' complex ethics laws, legislators often make technical violations of the law because they are not sufficiently knowledgeable about it. Moreover, it has been difficult for legislators to stay abreast of changes to the law. There has been a significant increase in sworn complaints filed with the ethics commission for violations of the requirements for reporting political contributions and expenditures. According to the Texas Ethics Commission, there were 91 sworn complaints filed in 2003, and the number has been rising steadily since. In 2006, there were 271 sworn complaints - a three fold increase in only three years.

By having regular training that is constantly updated to reflect current law, legislators would be far better prepared to comply with the ethics law without problems. C.S.H.B. 1735 would require legislators to undergo mandatory training on the requirements for reporting political contributions and expenditures.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1735 amends the Government Code to require ethics training for members and members-elect of the legislature that must: focus primarily on compliance with requirements for reporting political contributions and expenditures; be designed to use the best practices developed for training programs of other state agencies; be delivered through a variety of means including seminars and electronic means such as DVDs and the internet; be regularly revised to reflect changes in state law; and include a mechanism by which the person may evaluate the understandability and usefulness of the training. A person required to complete ethics training under this section must complete an initial three-hour training session within 90 days of the date the person is first elected or appointed to the legislature.

The bill requires that not later than 90 days of any substantive changes to the relevant law taking effect, the Texas Ethics Commission must revise its training related to the issue; persons required to complete ethics training must complete this revised training within 60 days of it being made available. A person required to receive training must have at least one one-hour training session every two years. C.S.H.B 1735 allows a member or a member elect to choose one or more of their employees to participate in the ethics training. However, the completion of this training by the employees does not take the place of a member or member elects obligation to complete training. If a person fails to complete their ethics training then the commission will post that persons name on the commission's website. The commission is required to post that person's name on their website no later than the 15th day after the day that a person is required to complete their training. Once the person completes their ethics training the commission, as soon as practicable, is required to remove that person's name from the commissions website.

Once a person completes their training, the commission is required to issue a certificate of course completion describing the laws covered by the training. C.S.H.B 1735 states that a certificate of course completion is admissible as evidence in a criminal prosecution for a violation of a law covered by the training, but evidence that a defendant completed training under this section is not prima facie evidence that the defendant knowingly violated a law covered by the training.

This measure also requires the commission to provide ethics training to state employees and allows the commission to provide seminars for lobbyists and gives the commission the ability to charge a fee for the seminars.

The bill provides that a person who on January 1, 2008 serves as a member of the legislature must complete the ethics training required by this bill not later than April 1, 2008.

EFFECTIVE DATE

January 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The differences between H.B. 1735 and C.S.H.B. 1735 lie in SECTION 1 of these measures. C.S.H.B. 1735 allows a member or member elect to choose one or more employees to take ethics training, but does not take the place of the member's obligation to complete ethics training. The substitute requires the commission to post anyone's name, who is required to take training, on their website that does not complete the ethics training. C.S.H.B. 1735 requires the commission to issue a certificate of completion to anyone who completes training, which if needed can be used as admissible evidence in some cases.