

BILL ANALYSIS

H.B. 2451
By: Burnam
Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Ethics Commission has generated significant negative attention in recent years. On several occasions, commissioners have questioned whether the Commission has the authority to interpret and implement law. They have sent several issues to the Legislature for clarification, insisting they cannot solve the issues themselves. In the latest of these, the Commission asked for help defining the word “description.”

Even though every state agency adopts rules to deal with such issues, the Ethics Commission has said they cannot. State law should clarify that the Ethics Commission does indeed have the authority to interpret statutes in a manner consistent with their purpose.

H.B. 2451 would specifically empower the Commission to deal with issues of interpretation as they occur rather than waiting up to two years for the Legislature to fix the problem.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 1 of this bill.

ANALYSIS

H.B. 2451 amends the Government Code by clarifying the rulemaking authority given to the Texas Ethics Commission. The measure authorizes that rules adopted by the commission be consistent with the official objectives of the commission as defined in the Government Code and gives the commission the authority to administer, implement or interpret any law administered or enforced by the commission.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.