

BILL ANALYSIS

C.S.H.B. 3066
By: Truitt
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Since 1996, the Texas Ethics Commission (Ethics Advisory Opinion No. 319) has approved the ethical and legal use of campaign funds for state legislators to pay rent for Austin lodging if the rented property is separate property owned by the legislator's spouse. Again in 2007, the Texas Ethics Commission affirmed in writing that such use of campaign funds is ethical and legal. Even though Section 571.097, Government Code offers that when a legislator relies on a written advisory opinion of the Texas Ethics Commission that has a fact situation that is substantially similar to the fact situation in which the person is involved the legislator has acted ethically and legally, recent press reports and political campaigns have called into question the ethical "appearance" of such arrangements.

C.S.H.B. 3066 would supersede the Texas Ethics Commission Advisory Opinion No. 319 by prohibiting legislators from using campaign funds to pay rent for either community property or separate property of their spouses; thus avoiding the confusion on this issue resulting from Ethics Advisory Opinion No. 319.

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. 3066 amends the Election Code by prohibiting a candidate, officeholder, or a specific-purpose committee for supporting, opposing, or assisting the candidate or officeholder from knowingly authorizing or making a payment from a political contribution for the rental of real property from: a person related within the second degree of consanguinity or affinity to the candidate or officeholder; or a business in which the candidate or officeholder or a person related to the candidate or officeholder within the second degree of consanguinity or affinity has a participating interest of more than 10 percent, holds a position of the governing body, or serves as an officer. In order to reflect the changes made by this Act the heading to Section 253.038 of the Election Code will be amended to read, "PAYMENTS MADE TO PURCHASE REAL PROPERTY OR TO RENT CERTAIN REAL PROPERTY PROHIBITED".

The changes to the election code made by this Act apply to a payment made from political contributions on or after the effective date of this Act, without regard to whether the payment was made under a lease or other agreement entered into before the effective date. A payment made before the effective date of this Act is governed by the law in effect on the date the payment was made, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

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

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3066 changes the word "in" in line 12 of H.B. 3066 to the word "within". This change was made to make the language of the Act coincide with the legislative intent.

C.S.H.B. 3066 80(R)