

By: McCall

H.B. No. 4033

Substitute the following for H.B. No. 4033:

By: Brown of Kaufman

C.S.H.B. No. 4033

A BILL TO BE ENTITLED

AN ACT

relating to the provision of assistance by the Texas Ethics Commission in the reporting of political contributions and expenditures made in connection with offices of and measures proposed by local governmental entities and of expenditures made in connection with attempts to influence the actions of local governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 305, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. REPORTS RELATING TO COMMUNICATIONS

WITH LOCAL GOVERNMENTAL ENTITY

Sec. 305.051. DEFINITIONS. In this subchapter:

(1) "Local government employee" means an employee of a local governmental entity.

(2) "Local governmental entity" and "local government officer" have the meanings assigned by Section 571.202.

Sec. 305.052. APPLICABILITY OF CHAPTER. (a) Unless expressly provided by this chapter, the provisions of this chapter do not apply to:

(1) a person who communicates directly with a local government officer or local government employee to influence an action of a local governmental entity; or

(2) a local government officer or local government

1 employee.

2 (b) Unless expressly provided by this chapter, the
3 provisions of this chapter are in addition to and do not supersede,
4 modify, or change:

5 (1) existing rules or ordinances of a local
6 governmental entity; or

7 (2) another statute that applies to a local
8 governmental entity.

9 Sec. 305.053. VOLUNTARY REPORTING OF EXPENDITURES TO
10 INFLUENCE LOCAL GOVERNMENTAL ACTION. (a) A person may report to
11 the commission in an electronic format expenditures made to
12 communicate directly with a local government officer or local
13 government employee to influence a matter that may be the subject of
14 action by a local governmental entity.

15 (b) Expenditures that are voluntarily reported as provided
16 by this section and that are not otherwise prohibited under this
17 chapter or Chapter 36, Penal Code, are considered to be
18 expenditures made and reported in accordance with this chapter if
19 the expenditures:

20 (1) comply with the restrictions prescribed by
21 Sections 305.024(a) and (c) that apply to expenditures to
22 communicate directly to a member of the legislative or executive
23 branch to influence legislation, including:

24 (A) the annual limits prescribed under Sections
25 305.024(a)(2)(B) and (C) for expenditures for entertainment and
26 gifts; and

27 (B) the limit prescribed by Section

1 305.024(a)(2)(D) for an expenditure for an award or memento; and
2 (2) are reported in compliance with the requirements
3 for detailed reporting prescribed by Section 305.0061 that apply to
4 expenditures to communicate directly to a member of the legislative
5 or executive branch to influence legislation.

6 (c) For the purposes of this section:

7 (1) in applying a provision of this chapter to which
8 this section refers, the term "member of the legislative or
9 executive branch" means "local government officer or local
10 government employee";

11 (2) any restriction that is applicable to an annual
12 limit is calculated on a calendar year basis;

13 (3) a person filing a voluntary report is not
14 considered a person registered under this chapter;

15 (4) the expenditures shall be reported in the
16 categories listed in Section 305.006(b) and comply with the
17 provisions of Sections 305.006(e) and (f); and

18 (5) the expenditures shall comply with the provisions
19 of Sections 305.0062(b), (c), and (d) and be reported in the
20 following categories by group:

21 (A) local government officers;

22 (B) local government employees;

23 (C) immediate family as defined by Section
24 305.002(11) of an individual described by Paragraph (A) or (B); and

25 (D) guests, when invited by an individual
26 described by Paragraph (A) or (B).

27 (d) A voluntary report under this section must be filed

1 between the 1st and the 10th day of the month following the month in
2 which:

3 (1) one or more reportable expenditures are made; and
4 (2) the amounts of the expenditures are readily
5 determinable as provided by, if applicable, Sections 305.0071(b)
6 and (c).

7 (e) A report filed under this section is subject to Section
8 571.0771(a).

9 (f) Section 571.061 and Subchapters D, E, and F, Chapter
10 571, do not apply to a report filed under this section.

11 SECTION 2. Chapter 571, Government Code, is amended by
12 adding Subchapter G to read as follows:

13 SUBCHAPTER G. REPORTING RELATED TO

14 LOCAL GOVERNMENTAL ENTITIES AND OFFICERS

15 Sec. 571.201. PURPOSE. The purpose of this subchapter is to
16 further the objective of fully disclosing information related to
17 political contributions and expenditures made in connection with
18 offices of and measures proposed by local governmental entities and
19 to expenditures for petitioning local governmental entities by
20 allowing a local governmental entity, a candidate for or holder of
21 an office of a local governmental entity or a related
22 specific-purpose committee, or a person who petitions a local
23 governmental entity to use the commission's software and other
24 commission resources to file reports of political contributions and
25 expenditures required by Title 15, Election Code, or reports of
26 expenditures provided voluntarily under Section 305.053.

27 Sec. 571.202. DEFINITIONS. In this subchapter:

1 (1) "Communicates directly with" has the meaning
2 assigned by Section 305.002.

3 (2) "Local governmental entity" means a county,
4 municipality, school district, junior college district, or other
5 political subdivision of this state or a local government
6 corporation, board, commission, district, or authority to which a
7 member is appointed by the commissioners court of a county, the
8 mayor of a municipality, or the governing body of a
9 municipality. The term does not include an association,
10 corporation, or organization of governmental entities organized to
11 provide to its members education, assistance, products, or services
12 or to represent its members before the legislative, administrative,
13 or judicial branches of the state or federal government.

14 (3) "Local government officer" means:

15 (A) a member of the governing body of a local
16 governmental entity; or

17 (B) a director, superintendent, administrator,
18 president, or other person designated as the executive officer of a
19 local governmental entity.

20 (4) "Measure," "political contribution," "political
21 expenditure," and "specific-purpose committee" have the meanings
22 assigned by Section 251.001, Election Code.

23 Sec. 571.203. USE OF COMMISSION SOFTWARE AND RESOURCES.

24 (a) To fulfill the purpose of this subchapter and to facilitate
25 voluntary filing of reports of political contributions and
26 expenditures required by Title 15, Election Code, and of reports
27 provided voluntarily under Section 305.053, the commission may

allow the use of commission software and resources by:

(1) a local governmental entity;

(2) a local government officer;

(3) a candidate for an office of a local governmental entity;

(4) a specific-purpose committee for supporting or opposing a candidate for an office of a local governmental entity, assisting a local government officer, or supporting or opposing a measure proposed by a local governmental entity; or

(5) a person who communicates directly with a local government officer or local government employee to influence a matter that may be the subject of action by a local governmental entity.

(b) The commission may provide assistance to a local governmental entity, a local government officer, a candidate for an office of a local governmental entity, a specific-purpose committee, or a person who communicates directly with a local government officer or local government employee to influence an action of a local governmental entity by:

(1) developing software to facilitate electronic filing of reports of:

(A) political contributions and expenditures;
and

(B) expenditures made by a person who communicates directly with a local government officer or local government employee to influence an action of a local governmental entity;

1 (2) maintaining a database for electronic publishing
2 and filing reports of:

3 (A) political contributions and expenditures;
4 and

5 (B) expenditures made by a person who
6 communicates directly with a local government officer or local
7 government employee to influence an action of a local governmental
8 entity;

9 (3) providing public access through the commission's
10 Internet website to electronic reports of political contributions
11 and expenditures filed by:

12 (A) a local governmental entity;

13 (B) a local government officer;

14 (C) a candidate for an office of a local
15 governmental entity; or

16 (D) a specific-purpose committee for supporting
17 or opposing a candidate for an office of a local governmental
18 entity, assisting a local government officer, or supporting or
19 opposing a measure proposed by a local governmental entity; and

20 (4) providing public access through the commission's
21 Internet website to electronic reports of expenditures filed by a
22 person who communicates directly with a local government officer or
23 local government employee to influence a matter that may be the
24 subject of action by a local governmental entity.

25 (c) The commission may enter into an intergovernmental
26 contract with a local governmental entity to provide the assistance
27 described by Subsection (b).

1 (d) The commission shall maintain and make available
2 through the Internet a searchable database that includes the
3 information in electronic reports filed under this subchapter.

4 (e) Subsection (d) applies beginning January 1, 2010.
5 Subsection (d) and this subsection expire January 15, 2010.

6 SECTION 3. This Act takes effect September 1, 2009.