

By: Christian

H.B. No. 2252

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the selection of the presiding officer of and voting
3 requirements for action by the Texas Ethics Commission.

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

5 SECTION 1. Section 571.027(a), Government Code, is amended
6 to read as follows:

7 (a) A member of the commission may not participate in a
8 commission proceeding relating to any of the following actions if
9 the member is the subject of the action:

- 10 (1) a formal investigation by the commission;
- 11 (2) a sworn complaint filed with the commission; or
- 12 (3) a motion required to be adopted by vote of at least
13 five [~~six~~] members of the commission.

14 SECTION 2. Section 571.062(a), Government Code, is amended
15 to read as follows:

16 (a) The commission, on the affirmative vote of at least five
17 [~~six~~] members of the commission, may adopt rules to administer this
18 chapter or any other law administered and enforced by the
19 commission.

20 SECTION 3. Section 571.069(b), Government Code, is amended
21 to read as follows:

22 (b) The commission may by a vote of at least five [~~six~~]
23 commission members initiate a preliminary review as provided by
24 Section 571.124 or perform a complete audit of a statement or

1 report:

2 (1) if, before the 31st day after the date the
3 statement or report was originally due, the executive director does
4 not obtain from the person information that permits the executive
5 director to determine that the statement or report complies with
6 law;

7 (2) if a statement or report returned for resubmission
8 is not resubmitted within the time prescribed by Subsection (a); or

9 (3) on an affirmative vote of at least five [~~six~~]
10 commission members that a statement or report resubmitted under
11 Subsection (a), together with any corrections or additional
12 documentation, does not, in the opinion of the commission, comply
13 with the law requiring the statement or report.

14 SECTION 4. Section 571.121(a), Government Code, is amended
15 to read as follows:

16 (a) The commission may:

17 (1) hold hearings, on its own motion adopted by an
18 affirmative vote of at least five [~~six~~] commission members or on a
19 sworn complaint, and render decisions on complaints or reports of
20 violations as provided by this chapter; and

21 (2) agree to the settlement of issues.

22 SECTION 5. Section 571.124(b), Government Code, is amended
23 to read as follows:

24 (b) On a motion adopted by an affirmative vote of at least
25 five [~~six~~] commission members, the commission, without a sworn
26 complaint, may initiate a preliminary review of the matter that is
27 the subject of the motion.

1 SECTION 6. Section 571.1241(b), Government Code, is amended
2 to read as follows:

3 (b) The commission may reverse the executive director's
4 determination only on the affirmative vote of at least five [~~six~~]
5 members.

6 SECTION 7. Section 571.132(b), Government Code, is amended
7 to read as follows:

8 (b) The motion must be adopted by a vote of at least five
9 [~~six~~] members if the final decision is that a violation has occurred
10 or by four [~~five~~] members if the final decision is that a violation
11 has not occurred.

12 SECTION 8. Sections 571.137(a-1) and (b), Government Code,
13 are amended to read as follows:

14 (a-1) In connection with a preliminary review, the
15 commission, for good cause and as authorized by this chapter, may
16 subpoena documents and witnesses on application by the commission
17 staff and a motion adopted by a vote of at least five [~~six~~] members
18 of the commission, for the purpose of attempting to obtain from the
19 documents or witnesses specifically identified information, if the
20 commission reasonably believes that the specifically identified
21 information:

22 (1) is likely to be determinative as to whether the
23 subject of an investigation has violated a law within the
24 jurisdiction of the commission;

25 (2) can be determined from the documents or is known by
26 the witnesses; and

27 (3) is not reasonably available through a less

1 intrusive means.

2 (b) At the written request of at least five [~~six~~] members of
3 the commission, a peace officer shall serve a subpoena of the
4 commission in the manner prescribed for service of a district court
5 subpoena.

6 SECTION 9. Section 571.171(a), Government Code, is amended
7 to read as follows:

8 (a) On a motion adopted by an affirmative vote of at least
9 five [~~six~~] commission members, the commission may initiate civil
10 enforcement actions and refer matters to the appropriate
11 prosecuting attorney for criminal prosecution.

12 SECTION 10. Section 571.023, Government Code, is repealed.

13 SECTION 11. This Act takes effect on the date on which the
14 constitutional amendment proposed by the 82nd Legislature, Regular
15 Session, 2011, providing for a decrease in the size of the Texas
16 Ethics Commission from eight to six members appointed by the
17 governor to serve six-year terms and providing for the rotation of
18 the position of presiding officer of the Texas Ethics Commission is
19 approved by the voters. If that amendment is not approved by the
20 voters, this Act has no effect.