

By: Turner of Tarrant

H.B. No. 2190

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the contents of and public access to personal financial
3 statements filed by public officials and candidates.

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

5 SECTION 1. Sections 572.022(a) and (d), Government Code,
6 are amended to read as follows:

7 (a) If an amount in a financial statement is required to be
8 reported by category, the individual filing the statement shall
9 report whether the amount is:

- 10 (1) less than \$200 [~~\$5,000~~];
11 (2) at least \$200 [~~\$5,000~~] but less than \$1,000
12 [~~\$10,000~~];
13 (3) at least \$1,000 [~~\$10,000~~] but less than \$2,500
14 [~~\$25,000~~];
15 (4) at least \$2,500 but less than \$5,000;
16 (5) at least \$5,000 but less than \$15,000;
17 (6) at least \$15,000 but less than \$50,000;
18 (7) at least \$50,000 but less than \$100,000;
19 (8) at least \$100,000 but less than \$1,000,000;
20 (9) at least \$1,000,000 but less than \$5,000,000; or
21 (10) \$5,000,000 [~~(4) \$25,000~~] or more.

22 (d) For a gift [~~of cash or a cash equivalent such as a~~
23 ~~negotiable instrument or gift certificate~~] that is reported in
24 accordance with Section 572.023(b)(7), the individual filing the

1 statement shall include in the description of the gift a statement
2 of the value of the gift. If the reported gift is cash or a cash
3 equivalent such as a negotiable instrument or gift certificate, the
4 description must include the actual face value of the gift.

5 SECTION 2. Sections 572.023(a) and (b), Government Code,
6 are amended to read as follows:

7 (a) A financial statement must include an account of the
8 financial activity of the individual required by this subchapter to
9 file a financial statement and an account of the financial activity
10 of the individual's spouse and dependent children if the individual
11 had actual control over that activity for:

- 12 (1) the preceding calendar year; or
13 (2) both the preceding calendar year and, listed
14 separately, the year before the preceding calendar year, for
15 information reported under Subsection (b)(1), (4), (8), or (15).

16 (b) The account of financial activity consists of:

- 17 (1) a list of all sources of occupational income,
18 identified by employer, or if self-employed, by the nature of the
19 occupation, including identification of a person or other
20 organization from which the individual or a business in which the
21 individual has a substantial interest received a fee as a retainer
22 for a claim on future services in case of need, as distinguished
23 from a fee for services on a matter specified at the time of
24 contracting for or receiving the fee, if professional or
25 occupational services are not actually performed during the
26 reporting period equal to or in excess of the amount of the
27 retainer, and the category of the amount of the fee;

1 (2) identification by name and the category of the
2 dollar value of the [~~number of~~] shares of stock of any business
3 entity held or acquired, and if sold, the category of the amount of
4 net gain or loss realized from the sale;

5 (3) a list of all bonds, notes, and other commercial
6 paper held or acquired, and if sold, the category of the amount of
7 net gain or loss realized from the sale;

8 (4) identification of each source and the category of
9 the amount of income in excess of \$500 derived from each source from
10 interest, dividends, royalties, and rents;

11 (5) identification of each guarantor of a loan and
12 identification of each person or financial institution to whom a
13 personal note or notes or lease agreement for a total financial
14 liability in excess of \$1,000 existed at any time during the year,
15 the date the liability was incurred, and the category of the amount
16 of the liability;

17 (6) identification by description of all beneficial
18 interests in real property and business entities held or acquired,
19 and if sold, the category of the amount of the net gain or loss
20 realized from the sale;

21 (7) identification of a person or other organization
22 from which the individual or the individual's spouse or dependent
23 children received a gift of anything of value in excess of \$250 and
24 a description of each gift, except:

25 (A) a gift received from an individual related to
26 the individual at any time within the second degree by
27 consanguinity or affinity, as determined under Subchapter B,

1 Chapter 573;

2 (B) a political contribution that was reported as
3 required by Chapter 254, Election Code; and

4 (C) an expenditure required to be reported by a
5 person required to be registered under Chapter 305;

6 (8) identification of the source and the category of
7 the amount of all income received as beneficiary of a trust, other
8 than a blind trust that complies with Subsection (c), and
9 identification of each trust asset, if known to the beneficiary,
10 from which income was received by the beneficiary in excess of \$500;

11 (9) identification by description and the category of
12 the amount of all assets and liabilities of a corporation, firm,
13 partnership, limited partnership, limited liability partnership,
14 professional corporation, professional association, joint venture,
15 or other business association in which 50 percent or more of the
16 outstanding ownership was held, acquired, or sold;

17 (10) a list of all boards of directors of which the
18 individual is a member and executive positions that the individual
19 holds in corporations, firms, partnerships, limited partnerships,
20 limited liability partnerships, professional corporations,
21 professional associations, joint ventures, or other business
22 associations or proprietorships, stating the name of each
23 corporation, firm, partnership, limited partnership, limited
24 liability partnership, professional corporation, professional
25 association, joint venture, or other business association or
26 proprietorship and the position held;

27 (11) identification of any person providing

1 transportation, meals, or lodging expenses permitted under Section
2 36.07(b), Penal Code, and the amount of those expenses, other than
3 expenditures required to be reported under Chapter 305;

4 (12) any corporation, firm, partnership, limited
5 partnership, limited liability partnership, professional
6 corporation, professional association, joint venture, or other
7 business association, excluding a publicly held corporation, in
8 which both the individual and a person registered under Chapter 305
9 have an interest;

10 (13) identification by name and the category of the
11 number of shares of any mutual fund held or acquired, and if sold,
12 the category of the amount of net gain or loss realized from the
13 sale; ~~and~~

14 (14) identification of each blind trust that complies
15 with Subsection (c), including:

16 (A) the category of the fair market value of the
17 trust;

18 (B) the date the trust was created;

19 (C) the name and address of the trustee; and

20 (D) a statement signed by the trustee, under
21 penalty of perjury, stating that:

22 (i) the trustee has not revealed any
23 information to the individual, except information that may be
24 disclosed under Subdivision (8); and

25 (ii) to the best of the trustee's knowledge,
26 the trust complies with this section; and

27 (15) identification of any other source of earned or

1 unearned income, including public benefits or a pension, individual
2 retirement account, or other retirement plan, and the category of
3 the amount of income derived from each source.

4 SECTION 3. Section 572.032, Government Code, is amended by
5 amending Subsection (a) and adding Subsection (d) to read as
6 follows:

7 (a) Financial statements filed under this subchapter are
8 public records. The commission shall maintain the statements in
9 separate alphabetical files and in a manner that is accessible to
10 the public during regular office hours and make the statements
11 available to the public on the commission's website not later than
12 the 15th day after the date the statement is required to be filed or
13 is actually filed, whichever is later.

14 (d) The commission is not required to continue to make
15 available on its website a financial statement that may be
16 destroyed under Subsection (c). The commission may not make
17 available on its website a financial statement that the commission
18 shall destroy under Subsection (c).

19 SECTION 4. Sections 572.022(b) and 572.032(b), Government
20 Code, are repealed.

21 SECTION 5. Sections 572.022 and 572.023, Government Code,
22 as amended by this Act, apply only to a financial statement filed
23 under Subchapter B, Chapter 572, Government Code, on or after
24 January 1, 2015. A financial statement filed before January 1,
25 2015, is governed by the law in effect on the date of filing, and the
26 former law is continued in effect for that purpose.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.