

By: Davis

S.B. No. 932

A BILL TO BE ENTITLED

AN ACT

1
2 relating to ethics and accountability of certain public employees,
3 public officers, political contributors, state contractors, and
4 grant recipients; providing penalties.

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

6 SECTION 1. The heading to Subchapter D, Chapter 253,
7 Election Code, is amended to read as follows:

8 SUBCHAPTER D. CORPORATIONS, ~~[AND]~~ LABOR ORGANIZATIONS, AND CERTAIN
9 OTHER PERSONS

10 SECTION 2. Subchapter D, Chapter 253, Election Code, is
11 amended by adding Sections 253.105 and 253.106 to read as follows:

12 Sec. 253.105. CONTRIBUTION BY STATE CONTRACTOR. (a) This
13 section applies to an individual who submits a competitive bid or
14 proposal for a contract with a state agency as:

- 15 (1) an individual;
16 (2) a partner or owner of a privately held business; or
17 (3) a board member or executive officer of a business.

18 (b) An individual described by Subsection (a) may not make a
19 political contribution to a candidate for a statewide office,
20 statewide officeholder, or specific-purpose committee for
21 supporting or opposing a candidate for statewide office or
22 assisting a statewide officeholder during the period:

- 23 (1) beginning on the date the bid or proposal is
24 submitted; and

1 (2) ending on:

2 (A) the date the contract is awarded to another
3 person; or

4 (B) if the individual or the individual's
5 business is awarded the contract, the 30th day after the date the
6 contract is awarded.

7 Sec. 253.106. CONTRIBUTION BY COMMITTEE ESTABLISHED OR
8 ADMINISTERED BY STATE CONTRACTOR. (a) This section applies to a
9 corporation that submits a competitive bid or proposal for a
10 contract with a state agency.

11 (b) A general-purpose committee established or administered
12 by a corporation described by Subsection (a) may not make a
13 political contribution to a candidate for a statewide office,
14 statewide officeholder, or specific-purpose committee for
15 supporting or opposing a candidate for statewide office or
16 assisting a statewide officeholder during the period:

17 (1) beginning on the date the bid or proposal is
18 submitted; and

19 (2) ending on:

20 (A) the date the contract is awarded to another
21 person; or

22 (B) if the corporation is awarded the contract,
23 the 30th day after the date the contract is awarded.

24 SECTION 3. Chapter 253, Election Code, is amended by adding
25 Subchapter G to read as follows:

26 SUBCHAPTER G. APPOINTED OFFICERS

27 Sec. 253.201. DEFINITIONS. In this subchapter:

1 (1) "Appointed officer" means:

2 (A) the secretary of state;

3 (B) an individual appointed with the advice and
4 consent of the senate to the governing board of a state-supported
5 institution of higher education; or

6 (C) an officer of a state agency who is appointed
7 for a term of office specified by the Texas Constitution or a
8 statute of this state.

9 (2) "Election cycle" means the period beginning on
10 January 1 of an odd-numbered year and ending on December 31 of the
11 following even-numbered year.

12 Sec. 253.202. CONTRIBUTION LIMIT. (a) An appointed officer
13 may not knowingly make or authorize political contributions that in
14 the aggregate exceed \$10,000 in an election cycle.

15 (b) A contribution by the spouse of an appointed officer is
16 considered to be a contribution by the officer.

17 Sec. 253.203. CERTAIN DIRECT CAMPAIGN EXPENDITURES
18 CONSIDERED CONTRIBUTION TO CANDIDATE. For purposes of Section
19 253.202, a direct campaign expenditure is considered to be a
20 campaign contribution to a candidate if it is made with the
21 cooperation or prior consent of, in consultation with, or at the
22 suggestion of:

23 (1) the candidate;

24 (2) a specific-purpose committee for supporting the
25 candidate or opposing the candidate's opponent; or

26 (3) a person acting with the candidate's knowledge and
27 consent.

1 SECTION 4. Subchapter F, Chapter 401, Government Code, is
2 amended by adding Sections 401.106 and 401.107 to read as follows:

3 Sec. 401.106. MANDATORY RECORDS RETENTION SCHEDULE. The
4 records retention schedule adopted by the office of the governor in
5 compliance with Section 441.185 must:

6 (1) apply to all offices within the office of the
7 governor and all trustee programs within the office of the
8 governor; and

9 (2) provide that all records must be retained for at
10 least 30 days after the record is created or altered.

11 Sec. 401.107. REPORT OF FUNDING. (a) The governor shall
12 post on the office of the governor's Internet website information
13 relating to each fund administered by the office of the governor,
14 including by any office within the office of the governor and as any
15 trustee program within the office of the governor.

16 (b) Information posted under this section must include:

17 (1) the amount of any disbursement or grant from the
18 fund;

19 (2) to whom any disbursements or grants from the fund
20 were made; and

21 (3) the purpose of the disbursement or grant.

22 (c) The information must be updated at least quarterly.

23 SECTION 5. Section 481.078, Government Code, is amended by
24 adding Subsection (n) to read as follows:

25 (n) Not later than January 1 of each year, the governor
26 shall submit to the legislature and post on the office of the
27 governor's Internet website a report that includes the following

1 information regarding the fund for the preceding three state fiscal
2 years:

3 (1) the total number and amount of grants made from the
4 fund; and

5 (2) the name of each grant recipient and the amount of
6 the grant awarded to the recipient.

7 SECTION 6. Section 572.002, Government Code, is amended by
8 adding Subdivision (5-a) to read as follows:

9 (5-a) "Member of the governor's executive staff" means
10 a person employed by the governor acting in the governor's official
11 capacity whose regular job duties include:

12 (A) formulating policy or testifying before and
13 meeting with members of the legislature; or

14 (B) supervising other employees in the
15 governor's office whose regular job duties include those described
16 by Paragraph (A).

17 SECTION 7. Section 572.021, Government Code, is amended to
18 read as follows:

19 Sec. 572.021. FINANCIAL STATEMENT REQUIRED. Except as
20 provided by Section 572.0211, a state officer, a partisan or
21 independent candidate for an office as an elected officer, a member
22 of the governor's executive staff, and a state party chair shall
23 file with the commission a verified financial statement complying
24 with Sections 572.022 through 572.0252.

25 SECTION 8. The heading to Section 572.026, Government Code,
26 is amended to read as follows:

27 Sec. 572.026. FILING DATES FOR STATE OFFICERS, GOVERNOR'S

1 EXECUTIVE STAFF, AND STATE PARTY CHAIRS.

2 SECTION 9. Section 572.026, Government Code, is amended by
3 amending Subsection (a) and adding Subsection (e) to read as
4 follows:

5 (a) Not later than April 30 each year, a state officer, a
6 member of the governor's executive staff, or a state party chair
7 shall file the financial statement as required by this subchapter.

8 (e) An individual who is employed as a member of the
9 governor's executive staff shall file a financial statement not
10 later than the 45th day after the date the individual assumes the
11 duties of the position. The governor or representative of the
12 governor shall immediately notify the commission of the employment
13 of a member of the governor's executive staff.

14 SECTION 10. The heading to Section 572.054, Government
15 Code, is amended to read as follows:

16 Sec. 572.054. REPRESENTATION BY FORMER OFFICER OR EMPLOYEE
17 OF GOVERNOR OR REGULATORY AGENCY RESTRICTED; CRIMINAL OFFENSE.

18 SECTION 11. Section 572.054, Government Code, is amended by
19 adding Subsections (b-1) and (b-2) to read as follows:

20 (b-1) A member of the governor's executive staff who ceases
21 employment with the governor may not make any communication to or
22 appearance before the governor or a member of the governor's
23 executive staff, if the communication or appearance is made with
24 the intent to influence and on behalf of any person in connection
25 with any matter on which the person seeks official action, before
26 the second anniversary of the date the employment ceased.

27 (b-2) A member of the governor's executive staff who before

1 employment with the governor represented a person or received
2 compensation for services rendered on behalf of a person on a
3 particular matter may not be involved with the particular matter as
4 a member of the governor's executive staff before the second
5 anniversary of the date the member begins employment with the
6 governor.

7 SECTION 12. Subchapter C, Chapter 572, Government Code, is
8 amended by adding Section 572.062 to read as follows:

9 Sec. 572.062. SOLICITATION OF OR RECOMMENDATIONS REGARDING
10 POLITICAL CONTRIBUTIONS. (a) In this section, "political
11 contribution" has the meaning assigned by Section 251.001, Election
12 Code.

13 (b) An appointed officer of a regulatory agency may not, on
14 behalf of the officer or another person, solicit a political
15 contribution from or recommend the making of a political
16 contribution by a person regulated by the regulatory agency.

17 SECTION 13. (a) Sections 253.105 and 253.106, Election
18 Code, as added by this Act, apply only to a competitive bid or
19 proposal for a contract with a state agency for which notice is
20 given on or after September 1, 2013. A bid or proposal for a
21 contract for which notice is given before September 1, 2013, is
22 governed by the law in effect when the notice was given, and the
23 former law is continued in effect for that purpose.

24 (b) Subchapter G, Chapter 253, Election Code, as added by
25 this Act, applies only to a political contribution or direct
26 campaign expenditure made on or after September 1, 2013. A
27 political contribution or direct campaign expenditure made before

1 September 1, 2013, is governed by the law in effect at the time the
2 contribution or expenditure was made and is not aggregated with
3 political contributions or direct campaign expenditures made on or
4 after that date.

5 (c) The changes in law made by this Act to Subchapter B,
6 Chapter 572, Government Code, requiring a member of the governor's
7 executive staff to file a personal financial statement apply
8 beginning January 1, 2014. A member of the governor's executive
9 staff is not required to include financial activity occurring
10 before January 1, 2014, in a personal financial statement under
11 that subchapter. A member of the governor's executive staff shall
12 file the first personal financial statement as required by this Act
13 on or before April 30, 2015.

14 (d) Section 572.054(b-1), Government Code, as added by this
15 Act, applies only to a member of the governor's executive staff who
16 ceases employment with the governor on or after September 1, 2013.
17 A member of the governor's executive staff who ceases employment
18 with the governor before September 1, 2013, is governed by the law
19 in effect when the member ceased employment, and the former law is
20 continued in effect for that purpose.

21 (e) Section 572.054(b-2), Government Code, as added by this
22 Act, applies only to a member of the governor's executive staff who
23 begins employment with the governor on or after September 1, 2013.
24 A member of the governor's executive staff who begins employment
25 with the governor before September 1, 2013, is governed by the law
26 in effect when the member began employment, and the former law is
27 continued in effect for that purpose.

1 SECTION 14. This Act takes effect September 1, 2013.