

Amend CSSB 19 (house committee printing) by striking all below the enacting clause and substituting the following:

ARTICLE 1. DISCLOSURE PROVISIONS

SECTION 1.01. Section 572.021, Government Code, is amended to read as follows:

Sec. 572.021. FINANCIAL STATEMENT REQUIRED. (a) Except as provided by Section 572.0211, a state officer, a partisan or independent candidate for an office as an elected officer, and a state party chair shall file with the commission a verified financial statement complying with Sections 572.022 through 572.0252.

(b) Each financial statement filed under this subchapter must be submitted electronically through a secure website maintained by the commission.

SECTION 1.02. Section 572.023, Government Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) The account of financial activity consists of:

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

(2) identification by name and the category of the number of shares of stock of any business entity held or acquired, and if sold, the category of the amount of net gain or loss realized from the sale;

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

(4) identification of each source and the category of

the amount of income in excess of \$500 derived from each source from interest, dividends, royalties, and rents;

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

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

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

(A) a gift received from an individual related to the individual at any time within the second degree by consanguinity or affinity, as determined under Subchapter B, Chapter 573;

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

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

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

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

(10) a list of all boards of directors of which the individual is a member and executive positions that the individual holds in corporations, firms, partnerships, limited partnerships,

limited liability partnerships, professional corporations, professional associations, joint ventures, or other business associations or proprietorships, stating the name of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association or proprietorship and the position held;

(11) identification of any person providing transportation, meals, or lodging expenses permitted under Section 36.07(b), Penal Code, and the amount of those expenses, other than expenditures required to be reported under Chapter 305;

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

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

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

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

(B) the date the trust was created;

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

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

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

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

(15) if the aggregate cost of goods or services sold under one or more written contracts described by this subdivision exceeds \$10,000 in the year covered by the report, identification

of each written contract, including the name of each party to the contract:

(A) for the sale of:

(i) goods in the amount of \$2,500 or more;

or

(ii) services, including professional services as defined by Section 2254.002, consulting services as defined by Section 2254.021, or legal counsel, in the amount of \$5,000 or more;

(B) to which the individual or any business entity of which the individual has at least a 50 percent ownership interest is a party; and

(C) with:

(i) a governmental entity; or

(ii) a person who contracts with a governmental entity, to fulfill one or more of the person's obligations to the governmental entity under that contract;

(16) if the individual is a member of the legislature and provides bond counsel services to an issuer, as defined by Section 1201.002(1), identification of the following for each issuance for which the individual served as bond counsel:

(A) the amount of the issuance;

(B) the name of the issuer;

(C) the date of the issuance;

(D) the amount of fees paid to the individual,

and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more; and

(E) the amount of fees paid to the individual's firm, if applicable, and whether the amount is:

(i) less than \$5,000;

(ii) at least \$5,000 but less than \$10,000;

(iii) at least \$10,000 but less than \$25,000; or

(iv) \$25,000 or more; and

(17) identification of any other source of earned or unearned income not reported under another provision of this subsection, including public benefits or a pension, individual retirement account, or other retirement plan, and the category of the amount of income derived from each source.

(e) In this section, "governmental entity" means the state, a political subdivision of the state, or an agency or department of the state or a political subdivision of the state.

SECTION 1.03. Section 572.0252, Government Code, is amended to read as follows:

Sec. 572.0252. INFORMATION ABOUT LEGAL REFERRALS. A state officer who is an attorney shall report on the financial statement:

(1) making or receiving any referral for compensation for legal services; ~~and~~

(2) the date the referral is made or received;

(3) the style of the case referred, if applicable; and

(4) the percentage of the legal fee paid or received that was agreed to between the parties to the referral, or, if the fee is not a percentage, the agreed amount of the fee paid or received ~~[the category of the amount of any fee accepted for making a referral for legal services]~~.

SECTION 1.04. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0295 to read as follows:

Sec. 572.0295. PERSONAL FINANCIAL STATEMENT. (a) A person who files a report under this chapter may amend the report.

(b) A report that is amended before the eighth day after the date the original report was filed is considered to have been filed on the date on which the original report was filed.

(c) A report that is amended on or after the eighth day after the original report was filed is considered to have been filed on the date on which the original report was filed if:

(1) the amendment is made before any complaint is filed with regard to the subject of the amendment; and

(2) the original report was made in good faith and without an intent to mislead or to misrepresent the information contained in the report.

SECTION 1.05. Section 572.032, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

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

ARTICLE 2. CONFLICTS OF INTEREST

SECTION 2.01. Section 141.001, Election Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(1) be a United States citizen;

(2) be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

(3) have not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A) totally mentally incapacitated; or

(B) partially mentally incapacitated without the right to vote;

(4) have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;

(5) have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A) for a candidate whose name is to appear on a

general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B) for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C) for a write-in candidate, the date of the election at which the candidate's name is written in;

(D) for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E) for an appointee to an office, the date the appointment is made; ~~and~~

(6) not be required to be registered as a lobbyist under Chapter 305, Government Code; and

(7) satisfy any other eligibility requirements prescribed by law for the office.

(d) Except as provided by Section 7.103(c), Education Code, Subsection (a)(6) does not apply to:

(1) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officeholder does not receive a salary or wage for that office; or

(2) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office.

(e) In Subsection (d), a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office.

SECTION 2.02. Subchapter A, Chapter 141, Election Code, is amended by adding Section 141.005 to read as follows:

Sec. 141.005. DRUG TESTING REQUIREMENT FOR PERSONS ELECTED TO PUBLIC OFFICE. (a) At the time a person files for a public elective office, the person must submit to a drug test to determine if the person has used a controlled substance, as that term is

defined by Section 481.002, Health and Safety Code.

(b) The authority responsible for determining eligibility for the office to which the person seeks election shall administer a drug test required under this section at the person's expense.

(c) After completion of a drug test required under this section, the authority that administered the drug test shall:

(1) obtain a waiver of confidentiality from the person with respect to the results of the drug test; and

(2) submit the results of the drug test to the Texas Ethics Commission.

(d) The Texas Ethics Commission shall publish the results of a drug test conducted under this section on the commission's Internet website not later than 30 days after receiving the results.

(e) The secretary of state shall adopt rules to administer this section.

SECTION 2.03. Subchapter A, Chapter 305, Government Code, is amended by adding Section 305.0031 to read as follows:

Sec. 305.0031. CERTAIN ELECTED OFFICERS MAY NOT REGISTER.

(a) A member of Congress, a member of the legislature, or a holder of a statewide office may not register under this chapter.

(b) A registration under this chapter expires on the date a person takes office as a member of Congress, a member of the legislature, or a holder of a statewide office.

SECTION 2.04. Sections 305.0061(a), (b), and (c), Government Code, are amended to read as follows:

(a) If a registrant or a person on the registrant's behalf and with the registrant's consent or ratification makes expenditures that exceed \$50 ~~[60 percent of the amount of the legislative per diem in]~~ a day for transportation or lodging for a member of the legislative or executive branch or for the immediate family of a member of the legislative or executive branch, the registrant shall also state the following on the report filed under Section 305.006:

(1) the name of the member of the legislative or executive branch in whose behalf the expenditure is made;

(2) the place and date of the transportation or

lodging; and

(3) the purpose of the transportation or lodging.

(b) If a registrant or a person on the registrant's behalf and with the registrant's consent or ratification makes expenditures that exceed \$50 [~~60 percent of the amount of the legislative per diem in~~] a day for food and beverages for a member of the legislative or executive branch or for the immediate family of a member of the legislative or executive branch or makes expenditures that exceed \$50 [~~60 percent of the amount of the legislative per diem in~~] a day for entertainment for a member of the legislative or executive branch or for the immediate family of a member of the legislative or executive branch, the registrant shall also state the following on the report filed under Section 305.006:

(1) the name of the member of the legislative or executive branch in whose behalf the expenditure is made;

(2) the place and date of the expenditure; and

(3) the amount of the expenditure by the appropriate category of the amount, as determined by the commission.

(c) If a registrant or a person on the registrant's behalf and with the registrant's consent or ratification gives to a member of the legislative or executive branch, or to the immediate family of a member of the legislative or executive branch, a gift or an award or memento, the value of which exceeds \$50 per gift, award, or memento, the registrant shall also state the following on the report filed under Section 305.006:

(1) the name of the member of the legislative or executive branch in whose behalf the expenditure is made;

(2) a general description of the gift, award, or memento; and

(3) the amount of the expenditure by the appropriate category of the amount, as determined by the commission.

SECTION 2.05. Section 305.0061, Government Code, is amended by adding Subsection (h) to read as follows:

(h) If more than one registrant or persons acting on behalf of more than one registrant and with each registrant's consent or ratification collaborate to make an expenditure described by Section 305.006(b) together, each registrant shall report the total

value of the shared expenditure as required by Subsection (a), (b), or (c), if the total value of the shared expenditure exceeds the amount provided under Subsection (a), (b), or (c).

SECTION 2.06. Subchapter C, Chapter 572, Government Code, is amended by adding Sections 572.062 and 572.064 to read as follows:

Sec. 572.062. FORMER LEGISLATOR: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section:

(1) "Administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(2) "Legislative cycle" means the two-year period beginning on the first day of a regular legislative session and ending on the day before the first day of the succeeding regular legislative session.

(b) Except as provided by Subsection (c), a former member of the legislature may not engage in activities that require registration under Chapter 305 before the end of the legislative cycle following the legislative cycle in which the former member last served as a member of the legislature.

(c) Subsection (b) does not apply to a former member of the legislature who does not receive compensation other than reimbursement for actual expenses for communicating directly with a member of the legislative or executive branch to influence legislation or administrative action.

(d) A former member of the legislature who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

Sec. 572.064. COMPENSATION FROM FINANCIAL INSTITUTIONS PROHIBITED; CRIMINAL OFFENSE. (a) In this section, "financial institution" means a bank, credit union, or savings and loan association.

(b) A member of the legislature or an executive officer elected in a statewide election may not receive any monetary compensation or other benefit from a position associated with a financial institution.

(c) A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

SECTION 2.07. Chapter 601, Government Code, is amended by adding Section 601.009 to read as follows:

Sec. 601.009. ELECTED OFFICER MAY NOT BE REGISTERED LOBBYIST. (a) A person may not qualify for a public elective office if the person is required to be registered as a lobbyist under Chapter 305.

(b) Except as provided by Section 7.103(c), Education Code, Subsection (a) does not apply to:

(1) an office for which the federal or state constitution prescribes exclusive qualification requirements;

(2) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officeholder does not receive a salary or wage for that office; or

(3) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office.

(c) In Subsection (b), a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office.

ARTICLE 3. ETHICS COMMISSION REPORTS

SECTION 3.01. Section 571.0771(a), Government Code, is amended to read as follows:

(a) A statement, registration, or report required that is filed with the commission is not considered to be late for purposes of any applicable civil or criminal penalty for late filing of the statement, registration, or report if:

(1) any error or omission in the statement, registration, or report as originally filed was made in good faith; and

(2) not later than the 14th business day after the date the person filing the statement, registration, or report learns

that the statement, registration, or report as originally filed is inaccurate or incomplete, the person files:

(A) a corrected or amended statement, registration, or report; and

(B) an affidavit stating that the error or omission in the original statement, registration, or report was made in good faith.

ARTICLE 4. VACANCY ON CERTAIN CONVICTIONS

SECTION 4.01. Chapter 301, Government Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 301.901. VACANCY ON FINAL FELONY CONVICTION OF MEMBER OF LEGISLATURE. A member of the legislature convicted of a felony vacates the member's office on the date the conviction becomes final.

ARTICLE 5. REPEALER

SECTION 5.01. Section 305.0061(g), Government Code, is repealed.

SECTION 5.02. Section 572.032(b), Government Code, is repealed.

ARTICLE 6. TRANSITION; EFFECTIVE DATE

SECTION 6.01. The changes in law made by this Act in amending Section 141.001(a), Election Code, and in adding Section 601.009, Government Code, apply only to the eligibility and qualification requirements for a candidate, officer, or employee whose term of office or employment will begin on or after the effective date of this Act. The eligibility and qualification requirements for a candidate, officer, or employee whose term of office or employment will begin before the effective date of this Act are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 6.02. The changes in law made by this Act to Section 305.0061, Government Code, apply only to a gift, award, or memento given to or expenditures for transportation, lodging, food, beverages, or entertainment made for a member of the legislative or executive branch or the immediate family of a member of the

legislative or executive branch on or after September 1, 2015. A gift, award, or memento given to or an expenditure for transportation, lodging, food, beverages, or entertainment made for a member of the legislative or executive branch or the immediate family of a member of the legislative or executive branch before September 1, 2015, is governed by the law in effect on the date the gift, award, or memento was given, or the date the expenditure for transportation, lodging, food, beverages, or entertainment was made, and the former law is continued in effect for that purpose.

SECTION 6.03. (a) Except as otherwise provided by this section, this Act takes effect January 10, 2017.

(b) Sections 2.04, 2.05, 5.01, and 6.02 of this Act take effect September 1, 2015.