

## **BILL ANALYSIS**

C.S.H.B. 22  
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State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested observers note that each biennium the Texas Ethics Commission publishes recommendations for improving the commission's efficiency. C.S.H.B. 22 seeks to implement some of these recommendations.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 22 amends the Government Code to require the Texas Ethics Commission to adopt rules prescribing how the commission will notify any person or provide any notice required by statutory provisions relating to ethics, the registration of lobbyists, or the regulation of political funds and campaigns under the Election Code. The bill includes among the laws administered and enforced by the commission:

- Local Government Code provisions requiring a mayor, a member of the governing body, the municipal attorney, or the city manager in a municipality with a population of 100,000 or more to file a financial statement, to the extent that the Local Government Code provisions require such a municipal officer to file a personal financial statement with the commission;
- Local Government Code provisions requiring a county judge, county commissioner, or county attorney in a county with a population of 100,000 or more, a sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, a constable, a justice of the peace, or a master, magistrate, or referee appointed by a justice of the peace in a county with a population of 125,000 or more to file a financial statement or a report, as applicable, to the extent that the Local Government Code provisions require such officers to file a personal financial statement with the commission;
- Government Code provisions requiring a municipal judge of the City of Lubbock to file a personal financial statement with the commission; and
- Any requirement under state law that a local officer in Texas file such a financial statement with the commission.

The bill includes such added laws among the laws for which the commission is required to prepare a written advisory opinion on request from a person subject to such laws.

C.S.H.B. 22 makes electronic report data saved in a commission temporary storage location for later retrieval and editing before certain reports submitted to the commission are filed confidential and prohibits the disclosure of such data. The bill subjects the information disclosed in the report to the law requiring the filing of the report after the report is filed.

C.S.H.B. 22 authorizes the commission to disclose to a law enforcement agency information that is otherwise confidential to protect the public interest but limits such disclosure to the extent necessary for the recipient of the information to perform a duty or function that is in addition to the commission's duties and functions. The bill establishes that the information disclosed to a law enforcement agency under this provision remains confidential and requires the agency to take appropriate measures to maintain that confidentiality. The bill makes it a Class C misdemeanor to disclose confidential information obtained from a disclosure under this provision.

C.S.H.B. 22 removes a requirement that the commission mail to each individual required to file a personal financial statement a notice containing specified information and replaces it with a requirement that the commission notify each individual required to file such a statement of the requirement that the individual file a personal financial statement, of the applicable filing dates for the financial statement, and of the manner in which the individual may electronically file the financial statement and access instructions for filing financial statements on the commission's website.

C.S.H.B. 22 establishes, for purposes of statutory provisions relating to a civil penalty for the filing of a frivolous, groundless, or bad-faith complaint to the commission, that a complaint is groundless if the complaint does not allege a violation of the law that is material, nonclerical, or nontechnical.

**EFFECTIVE DATE**

September 1, 2015.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 22 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter B, Chapter 571, Government Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 571.061(a), Government Code, is amended.	SECTION 2. Substantially the same as introduced version.
SECTION 3. Section 571.0671, Government Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 571.091(a), Government Code, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Section 571.140, Government	SECTION 5. Section 571.140(a),

Code, is amended by amending Subsection (a) and adding Subsection (b-2) to read as follows:

(a) Except as provided by Subsection (b), ~~[(b-1), or (b-2)]~~ or by Section 571.1401 or 571.171, proceedings at a preliminary review hearing performed by the commission, a sworn complaint, and documents and any additional evidence relating to the processing, preliminary review, preliminary review hearing, or resolution of a sworn complaint or motion are confidential and may not be disclosed unless entered into the record of a formal hearing or a judicial proceeding, except that a document or statement that was previously public information remains public information.

(b-2) A respondent named in a sworn complaint or motion, or the respondent's counsel at the direction of the respondent, waives confidentiality regarding any proceedings and information relating to the sworn complaint or motion, with respect to the respondent, by:

(1) publicly disclosing confidential information relating to the sworn complaint or motion; or

(2) providing a verified, written waiver of confidentiality to the executive director.

SECTION 6. Subchapter E, Chapter 571, Government Code, is amended.

SECTION 7. Section 571.176(a), Government Code, is amended.

SECTION 8. Sections 572.030(b), (c), and (d), Government Code, are amended.

SECTION 9. This Act takes effect September 1, 2015.

Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b) or (b-1) or by Section 571.1401 or 571.171, proceedings at a preliminary review hearing performed by the commission, a sworn complaint, and documents and any additional evidence relating to the processing, preliminary review, preliminary review hearing, or resolution of a sworn complaint or motion are confidential and may not be disclosed unless entered into the record of a formal hearing or a judicial proceeding, except that a document or statement that was previously public information remains public information.

~~No equivalent provision.~~

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.