

By: Davis of Harris

H.B. No. 3448

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Texas Ethics Commission;
creating a criminal offense.

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

SECTION 1. Subchapter B, Chapter 571, Government Code, is amended by adding Section 571.033 to read as follows:

Sec. 571.033. NOTIFICATION PROCEDURES. The commission shall adopt rules prescribing how the commission will notify any person or provide any notice required by this subtitle, Chapter 305, or Title 15, Election Code.

SECTION 2. Section 571.061(a), Government Code, is amended to read as follows:

(a) The commission shall administer and enforce:

(1) Chapters 302, 303, 305, 572, and 2004;

(2) Chapter 145, Local Government Code, in connection with a municipal officer, as defined by that chapter, to the extent that the municipal officer is required by that chapter to file a financial statement that complies with Chapter 572;

(3) [Subchapter C,] Chapter 159, Local Government Code, in connection with a county judicial officer, county officer, or precinct officer, to which that chapter applies, to the extent that the county judicial officer, county officer, or precinct officer is required by that chapter to file a financial statement that complies with Chapter 572 [as defined by Section 159.051,

1 ~~Local Government Code, who elects to file a financial statement~~
2 ~~with the commission];~~

3 (4) ~~[(3)]~~ Title 15, Election Code; ~~[and]~~

4 (5) ~~[(4)]~~ Sections 30.00044(j), 2152.064, and
5 2155.003; and

6 (6) any requirement under state law that a local
7 officer in this state file a financial statement that complies with
8 Chapter 572.

9 SECTION 3. Section 571.0671, Government Code, is amended by
10 adding Subsection (d) to read as follows:

11 (d) Electronic report data saved in a commission temporary
12 storage location for later retrieval and editing before the report
13 is filed is confidential and may not be disclosed. After the report
14 is filed, the information disclosed in the report is subject to the
15 law requiring the filing of the report.

16 SECTION 4. Section 571.091(a), Government Code, is amended
17 to read as follows:

18 (a) The commission shall prepare a written opinion
19 answering the request of a person subject to any of the following
20 laws for an opinion about the application of any of these laws to
21 the person in regard to a specified existing or hypothetical
22 factual situation:

23 (1) Chapter 302;

24 (2) Chapter 303;

25 (3) Chapter 305;

26 (4) Chapter 2004;

27 (5) Chapter 572;

1 (6) [~~Subchapter C,~~] Chapter 145 or 159, Local
2 Government Code, as provided by Section 571.061(a)(2) or (3), as
3 applicable;

4 (7) Title 15, Election Code;

5 (8) Chapter 36, Penal Code;

6 (9) Chapter 39, Penal Code;

7 (10) Section 2152.064; [~~or~~]

8 (11) Section 2155.003;

9 (12) Section 30.00044(j); or

10 (13) any other law that the commission is directed to
11 administer and enforce under Section 571.061.

12 SECTION 5. Section 571.140, Government Code, is amended by
13 amending Subsection (a) and adding Subsection (b-2) to read as
14 follows:

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

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

1 by:

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

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

6 SECTION 6. Subchapter E, Chapter 571, Government Code, is
7 amended by adding Section 571.1401 to read as follows:

8 Sec. 571.1401. CERTAIN DISCLOSURE OF INFORMATION. (a) To
9 protect the public interest, the commission may disclose to a law
10 enforcement agency information that is confidential under Section
11 571.140(a).

12 (b) The commission may disclose information under this
13 section only to the extent necessary for the recipient of the
14 information to perform a duty or function that is in addition to the
15 commission's duties and functions.

16 (c) Information disclosed to a law enforcement agency under
17 this section remains confidential, and the agency must take
18 appropriate measures to maintain that confidentiality.

19 (d) A person commits an offense if the person discloses
20 confidential information obtained under this section. An offense
21 under this subsection is a Class C misdemeanor.

22 SECTION 7. Section 571.176(a), Government Code, is amended
23 to read as follows:

24 (a) The commission may impose a civil penalty of not more
25 than \$10,000 for the filing of a frivolous or bad-faith complaint.
26 In this section:

27 (1) a complaint is frivolous if the complaint

1 ~~[subsection, "frivolous complaint" means a complaint that]~~ is
2 groundless and brought in bad faith or is groundless and brought for
3 the purpose of harassment; and

4 (2) a complaint is groundless if the complaint does
5 not allege a violation of the law that is material, nonclerical, or
6 nontechnical.

7 SECTION 8. Sections 572.030(b), (c), and (d), Government
8 Code, are amended to read as follows:

9 (b) The commission shall notify ~~[mail to]~~ each individual
10 required to file under this subchapter of ~~[a notice that]:~~

11 (1) the requirement ~~[states]~~ that the individual ~~[is~~
12 ~~required to]~~ file a financial statement under this subchapter;

13 (2) ~~[identifies]~~ the filing dates for the financial
14 statement as provided by Sections 572.026 and 572.027; and

15 (3) ~~[describes]~~ the manner in which the individual may
16 electronically file the financial statement and access
17 instructions for filing financial statements on ~~[obtain the~~
18 ~~financial statement forms and instructions from]~~ the commission's
19 Internet website~~+~~

20 ~~[(4) states that on request of the individual, the~~
21 ~~commission will mail to the individual a copy of the financial~~
22 ~~statement forms and instructions, and~~

23 ~~[(5) states, if applicable, the fee for mailing the~~
24 ~~forms and instructions and the manner in which the individual may~~
25 ~~pay the fee].~~

26 (c) Except as provided by commission rule, the notification
27 ~~[The notice]~~ required by Subsection (b) must be provided ~~[mailed]:~~

1 (1) before the 30th day before the deadline for filing
2 the financial statement under Section 572.026(a) or (c), except as
3 otherwise provided by this subsection;

4 (2) not later than the 15th day after the applicable
5 deadline for filing an application for a place on the ballot or a
6 declaration of write-in candidacy for candidates required to file
7 under Section 572.027(a), (b), or (c);

8 (3) not later than the seventh day after the date of
9 appointment for individuals required to file under Section
10 572.026(b), or if the legislature is in session, sooner if
11 possible; and

12 (4) not later than the fifth day after the date the
13 certificate of nomination is filed for candidates required to file
14 under Section 572.027(d) [~~574.027(d)~~].

15 (d) Except as provided by commission rule, the [~~The~~]
16 commission shall mail a copy of the financial statement forms and
17 instructions to an individual not later than the third business day
18 after the date the commission receives the individual's request for
19 the forms and instructions.

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