

By: Geren

H.B. No. 3945

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restrictions on introducing, sponsoring, or voting on
3 measures or bills in which a member of the legislature has certain
4 interests; creating a criminal offense.

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

6 SECTION 1. Section 572.053, Government Code, is amended to
7 read as follows:

8 Sec. 572.053. VOTING BY LEGISLATORS ON CERTAIN MEASURES OR
9 BILLS; CRIMINAL OFFENSE. (a) A member of the legislature may not
10 vote on a measure or a bill, other than a measure or a bill that will
11 affect an entire class of business entities, if a reasonable person
12 would conclude that the measure or bill will [~~that will directly~~]
13 benefit [~~a specific business transaction of~~] a business entity in
14 which the member or the member's spouse has a controlling interest.

15 (a-1) A member of the legislature may not vote on a measure
16 or a bill, other than a measure or a bill that will affect an entire
17 class of business entities, if a reasonable person would conclude
18 that the measure or bill will benefit a specific business
19 transaction of a business entity that will result in the payment of
20 consideration to the member or the member's spouse.

21 (b) For purposes of [~~In~~] this section, a member of the
22 legislature or the member's spouse has a [~~"]~~controlling interest in
23 a business entity if [~~" includes~~]:

24 (1) the member or the member's spouse has an ownership

1 interest or participating interest by virtue of shares, stock, or
2 otherwise that exceeds 10 percent;

3 (2) the member or the member's spouse serves
4 ~~[membership]~~ on the board of directors or other governing body of
5 the business entity; ~~[or]~~

6 (3) the member or the member's spouse serves ~~[service]~~
7 as an officer of the business entity; or

8 (4) the affiliation of the member or the member's
9 spouse with the business entity resulted in the member or the
10 member's spouse receiving a pecuniary gain in an amount equal to or
11 greater than \$1,000 over a period of one year.

12 (c) A member of the legislature commits an offense if the
13 member violates this section. An offense under this subsection is a
14 Class A misdemeanor and may be prosecuted in Travis County.

15 SECTION 2. The heading to Section 572.0531, Government
16 Code, is amended to read as follows:

17 Sec. 572.0531. NOTICE REQUIRED FOR INTRODUCTION OR
18 SPONSORSHIP OF OR VOTING ON CERTAIN MEASURES OR BILLS BY
19 LEGISLATORS; CRIMINAL OFFENSE.

20 SECTION 3. Section 572.0531, Government Code, is amended by
21 adding Subsections (a-1) and (e-1) to read as follows:

22 (a-1) A member of the legislature shall file a notice as
23 required by Subsection (b) before introducing, sponsoring, or
24 voting on a measure or bill if the member has a controlling interest
25 in an entity that will be affected by the measure or bill, or if the
26 member receives a pecuniary benefit from the entity through
27 employment, a contract or subcontract, a contingency fee

1 arrangement, a referral fee, or any other type of agreement with the
2 entity. For purposes of this subsection, a member has a controlling
3 interest in a business entity if the member would have a controlling
4 interest in the business entity for purposes of Section 572.053.

5 (e-1) A member of the legislature commits an offense if the
6 member violates Subsection (a-1). An offense under this subsection
7 is a Class A misdemeanor and may be prosecuted in Travis County.

8 SECTION 4. The changes in law made by this Act apply only to
9 a vote on a measure or a bill by a member of the legislature or the
10 filing of a notice by a member of the legislature made on or after
11 the effective date of this Act.

12 SECTION 5. This Act takes effect September 1, 2015.