

By: Huffines

S.B. No. 1683

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the retention of unexpended political contributions by
3 and certain activities and benefits of certain public servants,
4 including current and former members of the legislature.

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

6 SECTION 1. Subchapter H, Chapter 254, Election Code, is
7 amended by adding Section 254.2031 to read as follows:

8 Sec. 254.2031. RETENTION OF CONTRIBUTIONS BY LOBBYISTS. A
9 person who is required to register under Chapter 305, Government
10 Code, may not retain political contributions covered by this title,
11 assets purchased with the contributions, or interest and other
12 income earned on the contributions for more than 30 days after the
13 date the person files a registration with the commission under
14 Section 305.005, Government Code.

15 SECTION 2. Section 254.204(a), Election Code, is amended to
16 read as follows:

17 (a) At the end of the six-year period prescribed by Section
18 254.203 or the 30-day period prescribed by Section 254.2031, the
19 former officeholder or candidate shall remit any unexpended
20 political contributions to one or more of the following:

21 (1) the political party with which the person was
22 affiliated when the person's name last appeared on a ballot;

23 (2) a candidate or political committee;

24 (3) the comptroller for deposit in the state treasury;

1 (4) one or more persons from whom political
2 contributions were received, in accordance with Subsection (d);

3 (5) a recognized charitable organization formed for
4 educational, religious, or scientific purposes that is exempt from
5 taxation under Section 501(c)(3), Internal Revenue Code of 1986,
6 and its subsequent amendments; or

7 (6) a public or private postsecondary educational
8 institution or an institution of higher education as defined by
9 Section 61.003(8), Education Code, solely for the purpose of
10 assisting or creating a scholarship program.

11 SECTION 3. Section 254.205(a), Election Code, is amended to
12 read as follows:

13 (a) Not later than the 30th day after the date the six-year
14 period prescribed by Section 254.203 ends or the 30-day period
15 prescribed by Section 254.2031 ends, the person required to dispose
16 of unexpended political contributions shall file a report of the
17 disposition.

18 SECTION 4. Section 572.021, Government Code, is amended to
19 read as follows:

20 Sec. 572.021. FINANCIAL STATEMENT REQUIRED. Except as
21 provided by Section 572.0211, a state officer, a partisan or
22 independent candidate for an office as an elected officer, and a
23 state party chair shall file with the commission a verified
24 financial statement complying with Sections 572.022 through
25 572.0254 [~~572.0252~~].

26 SECTION 5. Subchapter B, Chapter 572, Government Code, is
27 amended by adding Section 572.0254 to read as follows:

1 Sec. 572.0254. INFORMATION ABOUT BENEFICIAL LAWS. (a) A
2 member of the legislature or a person who holds a statewide elected
3 office shall report on the financial statement each law that was
4 enacted by the legislature during the preceding calendar year that
5 directly benefited a specific transaction of a business entity in
6 which the member or officeholder, the member's or officeholder's
7 spouse, or a person related to the member or officeholder within the
8 first degree by consanguinity has a controlling interest.

9 (b) In this section, "controlling interest" has the meaning
10 assigned by Section 572.053(b).

11 SECTION 6. Subchapter C, Chapter 572, Government Code, is
12 amended by adding Sections 572.064, 572.065, 572.066, 572.067, and
13 572.068 to read as follows:

14 Sec. 572.064. CURRENT AND FORMER LEGISLATORS AND STATEWIDE
15 ELECTED OFFICEHOLDERS: CERTAIN EMPLOYMENT AND CONTRACTING
16 PROHIBITED. (a) A member of the legislature, a person who holds a
17 statewide elected office, or a business entity in which a member of
18 the legislature or a person who holds a statewide elected office has
19 a controlling interest may not employ or contract with another
20 person who is a member of the legislature or who holds a statewide
21 elected office or another business entity in which a member of the
22 legislature or a person who holds a statewide elected office has a
23 controlling interest.

24 (b) A former member of the legislature, a person who
25 formerly held a statewide elected office, or a business entity in
26 which a former member of the legislature or a person who formerly
27 held a statewide elected office has a controlling interest may not,

1 before the second anniversary of the date the last term for which
2 the former member or officeholder was elected or appointed ends,
3 employ or contract with a member of the legislature, a person who
4 holds a statewide elected office, or a business entity in which a
5 member of the legislature or a person who holds a statewide elected
6 office has a controlling interest.

7 (c) In this section, "controlling interest" has the meaning
8 assigned by Section 572.053(b).

9 Sec. 572.065. CURRENT AND FORMER LEGISLATORS AND STATEWIDE
10 ELECTED OFFICEHOLDERS: CERTAIN REPRESENTATION PROHIBITED.

11 (a) Except as provided by Subsection (c), a member of the
12 legislature or a person who holds a statewide elected office may not
13 represent for a fee or compensation or the promise of a fee or
14 compensation a department, commission, board, office, or other
15 agency in the legislative, executive, or judicial branch of state
16 government, a university system or an institution of higher
17 education as defined by Section 61.003, Education Code, a county, a
18 municipality, a public school district, any other political
19 subdivision of this state, or the federal government.

20 (b) A former member of the legislature or a person who
21 formerly held a statewide elected office may not, before the second
22 anniversary of the date the last term for which the former member or
23 officeholder was elected or appointed ends, represent for a fee or
24 compensation or the promise of a fee or compensation a department,
25 commission, board, office, or other agency in the legislative,
26 executive, or judicial branch of state government, a university
27 system or an institution of higher education as defined by Section

1 61.003, Education Code, a county, a municipality, a public school
2 district, any other political subdivision of this state, or the
3 federal government.

4 (c) The prohibition in Subsection (a) does not apply to any
5 representation by a member of the legislature or person who holds a
6 statewide elected office who is acting in the member's or
7 officeholder's official capacity.

8 Sec. 572.066. FORMER LEGISLATOR OR FORMER STATEWIDE ELECTED
9 OFFICEHOLDER: LOBBYING PROHIBITED. A former member of the
10 legislature or a person who formerly held a statewide elected
11 office may not, before the second anniversary of the first day of
12 the month following the date the last term for which the former
13 member or officeholder was elected or appointed ends, engage in
14 activities that require registration under Chapter 305.

15 Sec. 572.067. FORMER LEGISLATOR OR FORMER STATEWIDE ELECTED
16 OFFICEHOLDER: CERTAIN EMPLOYMENT PROHIBITED. A former member of
17 the legislature or a person who formerly held a statewide elected
18 office may not, before the second anniversary of the date the last
19 term for which the former member or officeholder was elected or
20 appointed ends, be employed by a department, commission, board,
21 office, or other agency in the legislative, executive, or judicial
22 branch of state government, a university system or an institution
23 of higher education as defined by Section 61.003, Education Code, a
24 county, a municipality, a public school district, any other
25 political subdivision of this state, or the federal government.

26 SECTION 7. Section 814.103, Government Code, is amended by
27 amending Subsection (a) and adding Subsection (c) to read as

1 follows:

2 (a) Except as provided by Subsections [~~Subsection~~] (b) and
3 (c), the standard service retirement annuity for service credited
4 in the elected class of membership is an amount equal to the number
5 of years of service credit in that class, times two percent of the
6 state salary, excluding longevity pay payable under Section
7 659.0445 and as adjusted from time to time, being paid a district
8 judge.

9 (c) The standard service retirement annuity for a person who
10 is first eligible to become a member of the elected class on or
11 after September 1, 2015, is an amount equal to the number of years
12 of service credit in that class, not to exceed 12 years of service
13 credit, times two percent of \$125,000.

14 SECTION 8. Section 254.2031, Election Code, as added by
15 this Act, applies only to a lobbyist who files a registration or
16 renewal with the Texas Ethics Commission under Section 305.005,
17 Government Code, on or after December 1, 2015.

18 SECTION 9. Sections 571.021 and 572.023, Government Code,
19 as amended by this Act, and Section 572.0254, Government Code, as
20 added by this Act, apply only to a financial statement filed under
21 Subchapter B, Chapter 572, Government Code, on or after January 1,
22 2017. A financial statement filed before January 1, 2017, is
23 governed by the law in effect on the date of filing, and the former
24 law is continued in effect for that purpose.

25 SECTION 10. Sections 572.064(b), 572.065(b), 572.066, and
26 572.067, Government Code, as added by this Act, apply only to a
27 member of the legislature or a person who holds a statewide elected

1 office who ceases to be a member or who ceases to hold that office on
2 or after the effective date of this Act.

3 SECTION 11. This Act takes effect September 1, 2015.