

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Davis of Harris

H.B. No. 3511

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the contents of financial statements that are  
3 electronically filed by certain persons; adding a provision subject  
4 to criminal penalties.

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

6 SECTION 1. Section 572.023, Government Code, is amended by  
7 adding Subsections (g) and (h) to read as follows:

8 (g) A person who electronically files a verified financial  
9 statement with the commission or another filing authority is not  
10 required to include a notarized affidavit with the financial  
11 statement if the person:

12 (1) has requested and received an electronic filing  
13 password pursuant to the rules of the commission or other  
14 authority, as applicable; and

15 (2) uses that password to file the financial  
16 statement.

17 (h) Each financial statement filed under this chapter that  
18 is not filed electronically must be accompanied by an affidavit  
19 executed by the person required to file the financial statement.

20 The affidavit must contain the statement: "I swear, or affirm,  
21 under penalty of perjury, that the accompanying report is true and  
22 correct and includes all information required to be reported by me  
23 under Chapter 572, Government Code." Each financial statement filed  
24 electronically under this chapter must be under oath by the person

1 required to file the financial statement and must contain, in  
2 compliance with commission or local filing authority  
3 specifications, the digitized signature of the person required to  
4 file the financial statement. A financial statement filed under  
5 this chapter is considered to be under oath by the person required  
6 to file the financial statement, and the person is subject to  
7 prosecution under Chapter 37, Penal Code, regardless of the absence  
8 of or a defect in the affidavit.

9         SECTION 2. This Act applies only to a financial statement  
10 due on or after the effective date of this Act. A financial  
11 statement due before the effective date of this Act is governed by  
12 the law in effect on the date the financial statement was due, and  
13 the former law is continued in effect for that purpose.

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

ADOPTED

MAY 27 2015

*Atay Spaw*  
Secretary of the Senate

By: Huffman

H.B. No. 3511

Substitute the following for H.B. No. 3511:

By: Grant Huffman

C.S. H.B. No. 3511

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the contents of financial statements filed by certain  
3 persons; adding a provision subject to criminal penalties.

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

5 SECTION 1. Section 572.023, Government Code, is amended by  
6 amending Subsection (a) and adding Subsections (g) and (h) to read  
7 as follows:

8 (a) A financial statement must include an account of the  
9 financial activity for the preceding calendar year of:

10 (1) any property characterized as separate property  
11 under Section 3.001, Family Code, of the individual required by  
12 this subchapter to file a financial statement;

13 (2) any community property of which the individual  
14 required by this subchapter to file a financial statement has sole  
15 management, control, and disposition as provided by Section  
16 3.102(a), Family Code;

17 (3) any community property of the individual required  
18 by this subchapter to file a financial statement, if the individual  
19 exercised both factual and legal control over the activity; and

20 (4) [an account of the financial activity of] the  
21 individual's [spouse and] dependent children if the individual  
22 exercised or held the right to exercise any degree of legal or  
23 factual [had actual] control over that activity [for the preceding  
24 calendar year].

1           (g) A person who electronically files a verified financial  
2 statement with the commission or another filing authority is not  
3 required to include a notarized affidavit with the financial  
4 statement if the person:

5                   (1) has requested and received an electronic filing  
6 password pursuant to the rules of the commission or other  
7 authority, as applicable; and

8                   (2) uses that password to file the financial  
9 statement.

10           (h) Each financial statement filed under this chapter that  
11 is not filed electronically must be accompanied by an affidavit  
12 executed by the person required to file the financial statement.  
13 The affidavit must contain the statement: "I swear, or affirm,  
14 under penalty of perjury, that the accompanying report is true and  
15 correct and includes all information required to be reported by me  
16 under Chapter 572, Government Code." Each financial statement filed  
17 electronically under this chapter must be under oath by the person  
18 required to file the financial statement and must contain, in  
19 compliance with commission or local filing authority  
20 specifications, the digitized signature of the person required to  
21 file the financial statement. A financial statement filed under  
22 this chapter is considered to be under oath by the person required  
23 to file the financial statement, and the person is subject to  
24 prosecution under Chapter 37, Penal Code, regardless of the absence  
25 of or a defect in the affidavit.

26           SECTION 2. This Act applies only to a financial statement  
27 due on or after the effective date of this Act. A financial

1 statement due before the effective date of this Act is governed by  
2 the law in effect on the date the financial statement was due, and  
3 the former law is continued in effect for that purpose.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 28, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3511** by Davis, Sarah (Relating to the contents of financial statements filed by certain persons; adding a provision subject to criminal penalties.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Government Code to increase property disclosure requirements and exempt people who file personal financial statements with the Ethics Commission or other filing authority from including a notarized affidavit with the financial statement, if they do so electronically, using a password. The bill would also add a provision to make financial statements filed under this chapter subject to prosecution under Chapter 37, Penal Code. Any costs associated with implementing the bill could be absorbed within current resources.

The bill would take effect September 1, 2015 and would apply only to financial statements filed on or after that date.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** UP, SD, AG, FR, EMO

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 22, 2015**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3511** by Davis, Sarah (Relating to the contents of financial statements filed by certain persons; adding a provision subject to criminal penalties.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Government Code to increase property disclosure requirements and exempt people who file personal financial statements with the Ethics Commission or other filing authority from including a notarized affidavit with the financial statement, if they do so electronically, using a password. The bill would also add a provision to make financial statements filed under this chapter subject to prosecution under Chapter 37, Penal Code. Any costs associated with implementing the bill could be absorbed within current resources.

The bill would take effect September 1, 2015 and would apply only to financial statements filed on or after that date.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** UP, AG, FR, EMO

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 13, 2015**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3511** by Davis, Sarah (Relating to the contents of financial statements that are electronically filed by certain persons; adding a provision subject to criminal penalties.),  
**As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend Government Code to exempt people who file personal financial statements with the Ethics Commission or other filing authority from including a notarized affidavit with the financial statement, if they do so electronically, using a password. The bill would also add a provision to make financial statements filed under this chapter subject to prosecution under Chapter 37, Penal Code. Any costs associated with implementing the bill could be absorbed within current resources.

The bill would take effect September 1, 2015 and would apply only to financial statements filed on or after that date.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** UP, AG, FR, EMO



**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 20, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3511** by Davis, Sarah (Relating to the contents of financial statements that are electronically filed by certain persons; adding a provision subject to criminal penalties.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Government Code to exempt people who file personal financial statements with the Ethics Commission or other filing authority from including a notarized affidavit with the financial statement, if they do so electronically, using a password. The bill would also add a provision to make financial statements filed under this chapter subject to prosecution under Chapter 37, Penal Code. Any costs associated with implementing the bill could be absorbed within current resources.

The bill would take effect September 1, 2015 and would apply only to financial statements filed on or after that date.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** UP, FR, EMO

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 6, 2015**

**TO:** Honorable John Kuempel, Chair, House Committee on General Investigating & Ethics

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3511** by Davis, Sarah (Relating to the contents of financial statements that are electronically filed by certain persons.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend Government Code to exempt people who file personal financial statements with the Ethics Commission or other filing authority from including a notarized affidavit with the financial statement, if they do so electronically, using a password. Any costs associated with implementing the bill could be absorbed within current resources.

The bill would take effect September 1, 2015 and would apply only to financial statements filed on or after that date.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** UP, FR, EP, EMO