

BILL ANALYSIS

H.B. 33
By: Larson
General Investigating & Ethics
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that appointing officials to state boards and commissions is one of the most important roles of the governor and contend that individuals appointed to positions in public agencies and on state boards should be chosen on the basis of their qualifications, not their ability to donate money. H.B. 33 seeks to address this issue by making ineligible for such appointment individuals who made certain political contributions to the governor or to a specific-purpose committee supporting or assisting the governor and by restricting certain contributions while serving as an appointee.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 33 amends the Government Code to make an individual ineligible to serve as a public officer appointed by the governor if during the year preceding the date of appointment the individual made political contributions that in the aggregate exceeded \$2,500 to the governor or to a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder. The bill prohibits an individual serving as a public officer appointed by the governor, during any single year in which the individual serves in that office, from making political contributions that in the aggregate exceed \$2,500 to the governor or to a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder. The bill makes an individual who violates these provisions liable in damages to the state in the amount of triple the amount of contributions in a single year that exceed the prescribed limit.

H.B. 33 establishes for the bill's purposes that a political contribution made by the spouse or dependent child of an individual or a political contribution from an organization made in the individual's name and with the individual's consent is considered to be a contribution made by the individual. The bill requires an individual appointed by the governor, before taking office, to sign an attestation that during the year preceding the appointment the individual, the individual's spouse or dependent child, and an organization in the individual's name and with the individual's consent did not make political contributions exceeding \$2,500 to the governor or to a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder.

H.B. 33 requires an individual appointed by the governor, before taking office, to sign an attestation that the individual or a business entity acting at the direction of the individual will not compensate a person required to register as a lobbyist for communicating directly with a member of the legislative or executive branch on a matter affecting the officer's state agency and will comply with any political contribution limits under specified bill provisions. The bill creates a Class A misdemeanor offense for an individual appointed by the governor who or a business entity acting at the direction of the individual that violates such an attestation or for a person required to register as a lobbyist who accepts compensation made in violation of such an attestation.

EFFECTIVE DATE

December 1, 2017.