

By: Larson

H.B. No. 238

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on certain contributions by persons appointed to public office by the governor; creating a criminal offense.

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

SECTION 1. Chapter 601, Government Code, is amended by adding Section 601.012 to read as follows:

Sec. 601.012. CERTAIN DONORS INELIGIBLE FOR GUBERNATORIAL APPOINTMENTS; CONTRIBUTIONS BY GUBERNATORIAL APPOINTEES RESTRICTED. (a) In this section:

(1) "Communicates directly with," "matter," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(2) "Political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(b) An individual is ineligible to serve as an 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:

(1) the governor; or

(2) a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder.

1 (c) An individual serving as an officer appointed by the
2 governor may not during any single year in which the individual
3 serves in that office make political contributions that in the
4 aggregate exceed \$2,500 to the governor or a specific-purpose
5 committee supporting the governor as a candidate or assisting the
6 governor as an officeholder. An individual who violates this
7 section is liable in damages to this state in the amount of triple
8 the amount of contributions in a single year that exceed the limit
9 prescribed by this subsection.

10 (d) For purposes of Subsection (b) or (c), a political
11 contribution made by the spouse or dependent child of an individual
12 or a political contribution from an organization made in the
13 individual's name and with the individual's consent is considered
14 to be a contribution made by the individual.

15 (e) Before taking office, an individual appointed by the
16 governor must sign an attestation that during the year preceding
17 the appointment the individual, the individual's spouse or
18 dependent child, and an organization in the individual's name and
19 with the individual's consent did not make political contributions
20 exceeding \$2,500 to the governor or a specific-purpose committee
21 supporting the governor as a candidate or assisting the governor as
22 an officeholder.

23 (f) Before taking office, an individual appointed by the
24 governor must sign an attestation that the individual or a business
25 entity acting at the direction of the individual will not
26 compensate a person required to register as a lobbyist under
27 Chapter 305 for communicating directly with a member of the

1 legislative or executive branch on a matter affecting the officer's
2 state agency and will comply with any political contribution limits
3 under Subsection (b). An individual appointed by the governor who
4 or a business entity acting at the direction of the individual that
5 violates an attestation under this subsection, or a person required
6 to register as a lobbyist under Chapter 305 who accepts
7 compensation made in violation of an attestation under this
8 subsection, commits an offense. An offense under this subsection
9 is a Class A misdemeanor.

10 SECTION 2. Section 601.012, Government Code, as added by
11 this Act, applies to an appointment made on or after the effective
12 date of this Act.

13 SECTION 3. This Act takes effect December 1, 2017.