86R16616 BRG-D

By:  Creighton S.B. No. 13

A BILL TO BE ENTITLED

AN ACT

relating to the ethics of public officials, including restrictions relating to lobbying and the personal financial statements of public officials; creating a criminal offense.

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

SECTION 1.  Section 141.001, Election Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a)  To be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must:

(1)  be a United States citizen;

(2)  be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable;

(3)  have not been determined by a final judgment of a court exercising probate jurisdiction to be:

(A)  totally mentally incapacitated; or

(B)  partially mentally incapacitated without the right to vote;

(4)  have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities;

(5)  have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:

(A)  for a candidate whose name is to appear on a general primary election ballot, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(B)  for an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot;

(C)  for a write-in candidate, the date of the election at which the candidate's name is written in;

(D)  for a party nominee who is nominated by any method other than by primary election, the date the nomination is made; and

(E)  for an appointee to an office, the date the appointment is made;

(6)  on the date described by Subdivision (5), be registered to vote in the territory from which the office is elected; [~~and~~]

(7)  not be required to be registered as a lobbyist under Chapter 305, Government Code; and

(8)  satisfy any other eligibility requirements prescribed by law for the office.

(e)  Except as restricted by Section 7.103(c), Education Code, if applicable, Subsection (a)(7) does not apply to:

(1)  an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officeholder does not receive a salary or wage for that office; or

(2)  the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office.

(f)  For purposes of Subsection (e), a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office.

SECTION 2.  Subchapter A, Chapter 305, Government Code, is amended by adding Section 305.0031 to read as follows:

Sec. 305.0031.  CERTAIN ELECTED OFFICERS MAY NOT REGISTER. (a) A member of Congress, a member of the legislature, or a holder of a statewide office may not register under this chapter.

(b)  A registration under this chapter expires on the date a person takes office as a member of Congress, a member of the legislature, or a holder of a statewide office.

SECTION 3.  Section 572.032, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a)  Financial statements filed under this subchapter are public records. The commission shall maintain the statements in separate alphabetical files and in a manner that is accessible to the public during regular office hours and make the statements available to the public on the commission's Internet website not later than the second business day after the date the statement is filed.

(d)  The commission is not required to continue to make a financial statement available on its Internet website after the second anniversary of the date the statement is filed.

SECTION 4.  Section 572.032(a-1), Government Code, as amended by Chapters 34 (S.B. 1576) and 983 (H.B. 776), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended to read as follows:

(a-1)  The commission shall remove the home address, the telephone number, and the names of the dependent children of an individual from a financial statement filed by the individual under this subchapter before:

(1)  permitting a member of the public to view the statement;

(2)  providing a copy of the statement to a member of the public; or

(3)  making the statement available to the public on the commission's Internet website[~~, if the commission makes statements filed under this subchapter available on its website~~].

SECTION 5.  Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.062 to read as follows:

Sec. 572.062.  FORMER LEGISLATOR: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section:

(1)  "Administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(2)  "Legislative cycle" means the two-year period beginning on the first day of a regular legislative session and ending on the day before the first day of the succeeding regular legislative session.

(b)  Except as provided by Subsection (c), a former member of the legislature may not engage in activities that require registration under Chapter 305 before the end of the legislative cycle following the legislative cycle in which the former member last served as a member of the legislature.

(c)  Subsection (b) does not apply to a former member of the legislature who does not receive compensation other than reimbursement for actual expenses for communicating directly with a member of the legislative or executive branch to influence legislation or administrative action.

(d)  A former member of the legislature who violates this section commits an offense. An offense under this section is a Class A misdemeanor.

SECTION 6.  Chapter 601, Government Code, is amended by adding Section 601.010 to read as follows:

Sec. 601.010.  ELECTED OFFICER MAY NOT BE REGISTERED LOBBYIST. (a) A person may not qualify for a public elective office if the person is required to be registered as a lobbyist under Chapter 305.

(b)  Except as restricted by Section 7.103(c), Education Code, if applicable, Subsection (a) does not apply to:

(1)  an office for which the federal or state constitution prescribes exclusive qualification requirements;

(2)  an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officeholder does not receive a salary or wage for that office; or

(3)  the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office.

(c)  For purposes of Subsection (b), a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office.

SECTION 7.  Section 141.001(a), Election Code, as amended by this Act, and Section 601.010, Government Code, as added by this Act, apply only to the eligibility and qualification requirements for a candidate or officer whose term of office will begin on or after January 12, 2021. The eligibility and qualification requirements for a candidate or officer whose term of office will begin before January 12, 2021, are governed by the law in effect immediately before January 12, 2021, and that former law is continued in effect for that purpose.

SECTION 8.  The changes in law made by this Act to Chapter 572, Government Code, apply only to a financial statement filed on or after September 1, 2019. A financial statement filed before September 1, 2019, is governed by the law in effect on the date the financial statement was filed, and the former law is continued in effect for that purpose.

SECTION 9.  Section 572.062, Government Code, as added by this Act, applies only to a member of the legislature who ceases to be a member on or after September 1, 2019.

SECTION 10.  (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2019.

(b)  Section 141.001(a), Election Code, as amended by this Act, and Section 601.010, Government Code, as added by this Act, take effect January 12, 2021.