

By: Davis of Harris

H.B. No. 1876

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the ethics of public servants, including regulations
3 related to certain political contributions, lobbying activities,
4 reports, and disclosures; creating criminal offenses.

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

6 SECTION 1. The heading to Section 253.034, Election Code,
7 is amended to read as follows:

8 Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS BEFORE,
9 DURING, AND FOLLOWING [~~REGULAR~~] LEGISLATIVE SESSION.

10 SECTION 2. Section 253.034, Election Code, is amended by
11 adding Subsections (a-1) and (a-2) and amending Subsections (b) and
12 (c) to read as follows:

13 (a-1) During the period beginning on the date the governor
14 issues a proclamation calling a special legislative session and
15 continuing through the date of final adjournment of the special
16 legislative session, a person may not knowingly make a political
17 contribution to:

18 (1) a statewide officeholder other than the governor;

19 (2) a member of the legislature; or

20 (3) a specific-purpose committee for supporting,
21 opposing, or assisting a statewide officeholder other than the
22 governor or a member of the legislature.

23 (a-2) During the period beginning on the date the governor
24 issues a proclamation calling a special legislative session and

1 continuing through the 20th day after the date of final adjournment
2 of the special legislative session, a person may not knowingly make
3 a political contribution to the governor or a specific-purpose
4 committee for supporting, opposing, or assisting the governor.

5 (b) A statewide officeholder, a member of the legislature,
6 or a specific-purpose committee for supporting, opposing, or
7 assisting a statewide officeholder or member of the legislature may
8 not knowingly accept a political contribution, and shall refuse a
9 political contribution that is received, during an applicable [the]
10 period prescribed by Subsection (a), (a-1), or (a-2). A political
11 contribution that is received and refused during that period shall
12 be returned to the contributor not later than the 30th day after the
13 date of receipt. A contribution made by United States mail or by
14 common or contract carrier is not considered received during that
15 period if it was properly addressed and placed with postage or
16 carrier charges prepaid or prearranged in the mail or delivered to
17 the contract carrier before the beginning of the period. The date
18 indicated by the post office cancellation mark or the common or
19 contract carrier documents is considered to be the date the
20 contribution was placed in the mail or delivered to the common or
21 contract carrier unless proven otherwise.

22 (c) This section does not apply to a political contribution
23 that was made and accepted with the intent that it be used:

24 (1) in an election held or ordered during a [the]
25 period prescribed by Subsection (a), (a-1), or (a-2) in which the
26 person accepting the contribution is a candidate if the
27 contribution was made after the person appointed a campaign

1 treasurer with the appropriate authority and before the person was
2 sworn in for that office;

3 (2) to defray expenses incurred in connection with an
4 election contest; or

5 (3) by a person who holds a state office or a member of
6 the legislature if the person or member was defeated at the general
7 election held immediately before the session is convened or by a
8 specific-purpose political committee that supports or assists only
9 that person or member.

10 SECTION 3. Section 254.036(a), Election Code, is amended to
11 read as follows:

12 (a) Each report filed under this chapter with an authority
13 other than the commission must be in a format prescribed by the
14 commission. A report filed with the commission that is not required
15 to be filed by computer diskette, modem, or other means of
16 electronic transfer must be on a form prescribed by the commission
17 and written in black or blue ink or typed with black or blue
18 typewriter ribbon or, if the report is a computer printout, the
19 printout must conform to the same format and paper size as the form
20 prescribed by the commission.

21 SECTION 4. Section 571.061(a), Government Code, is amended
22 to read as follows:

23 (a) The commission shall administer and enforce:
24 (1) Chapters 302, 303, 305, 572, 576, and 2004;
25 (2) Subchapter C, Chapter 159, Local Government Code,
26 in connection with a county judicial officer, as defined by Section
27 159.051, Local Government Code, who elects to file a financial

1 statement with the commission;

2 (3) Title 15, Election Code; and

3 (4) Sections 2152.064 and 2155.003.

4 SECTION 5. Section 571.077, Government Code, is amended by
5 adding Subsection (d) to read as follows:

6 (d) A person filing by nonelectronic means a statement,
7 registration, or report with the commission may use an unsworn
8 declaration in the format prescribed by Section 132.001, Civil
9 Practice and Remedies Code, instead of an affidavit of
10 verification.

11 SECTION 6. Subchapter C, Chapter 572, Government Code, is
12 amended by adding Section 572.062 to read as follows:

13 Sec. 572.062. FORMER LEGISLATOR OR STATEWIDE OFFICEHOLDER:
14 LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section,
15 "administrative action," "communicates directly with,"
16 "legislation," "member of the executive branch," and "member of the
17 legislative branch" have the meanings assigned by Section 305.002.

18 (b) Except as provided by Subsection (c), a person who is a
19 former member of the legislature or a former holder of an office
20 normally filled by statewide election may not engage in activities
21 that require registration under Chapter 305 before the first
22 anniversary of the first day of the first regular legislative
23 session to convene after the date the person ceases to be a member
24 of the legislature or statewide officeholder, as applicable.

25 (c) Subsection (b) does not apply to a person who:

26 (1) communicates directly with a member of the
27 legislative or executive branch to influence legislation or

1 administrative action; and

2 (2) does not receive compensation other than
3 reimbursement for actual expenses for a communication described by
4 Subdivision (1).

5 (d) A person who violates this section commits an offense.
6 An offense under this section is a Class B misdemeanor.

7 SECTION 7. Subtitle B, Title 5, Government Code, is amended
8 by adding Chapter 576 to read as follows:

9 CHAPTER 576. CONFLICT OF INTEREST OF STATE AGENCY GOVERNING BOARD
10 MEMBER OR OFFICER

11 Sec. 576.001. DEFINITIONS. In this chapter:

12 (1) "Conflict of interest" means the conflict between
13 an official decision made by a state agency governing board member
14 or governing officer in the individual's official capacity and the
15 individual's private financial interest in which the individual
16 realizes any pecuniary gain.

17 (2) "Financial interest" means ownership or control,
18 directly or indirectly, of an ownership interest of at least five
19 percent in a person, including the right to share in profits,
20 proceeds, or capital gains, or an ownership interest that an
21 individual could reasonably foresee could result in any financial
22 benefit to the individual. The term does not include an interest in
23 a retirement plan, a blind trust, insurance coverage, or capital
24 gains.

25 (3) "State agency" means a board, commission, council,
26 committee, department, office, agency, or other governmental
27 entity in the executive branch of state government.

1 Sec. 576.002. DUTY TO DISCLOSE AND REFRAIN FROM
2 PARTICIPATION. (a) Except as provided by Subsection (b) or (c), in
3 each matter before the governing board of a state agency or, if the
4 agency is not governed by a multimember governing board, the
5 officer who governs the agency, for which a member of the board or
6 officer, as applicable, has a conflict of interest, the individual:

7 (1) shall disclose in writing the conflict of interest
8 to the agency; and

9 (2) may not participate in the decision on the matter.

10 (b) If a majority of the members of the governing board of a
11 state agency has a conflict of interest related to a matter before
12 the board or, if the agency is not governed by a multimember
13 governing board, the officer who governs the agency has a conflict
14 of interest on the matter, the board or officer may decide the
15 matter only if:

16 (1) each member, or the officer, as applicable, who
17 has a conflict of interest discloses in writing the conflict of
18 interest to the agency; and

19 (2) the board, or officer, as applicable, makes a
20 finding that an emergency exists that requires a decision on the
21 matter despite the conflict of interest.

22 (c) The duty to disclose a conflict of interest and refrain
23 from participation in the decision on a matter for a member of the
24 governing board of an institution of higher education, as those
25 terms are defined by Section 61.003, Education Code, is governed by
26 Section 51.923, Education Code.

27 Sec. 576.003. PUBLIC INFORMATION. A written disclosure

1 made under Section 576.002 is public information.

2 Sec. 576.004. REPORT TO TEXAS ETHICS COMMISSION; RULES.

3 (a) A state agency that receives a written disclosure under Section
4 576.002 shall file a copy of the disclosure with the Texas Ethics
5 Commission.

6 (b) The Texas Ethics Commission may adopt the rules
7 necessary to implement this chapter, including rules on the
8 disclosure to be filed with the commission under Subsection (a).

9 Sec. 576.005. CRIMINAL PENALTY. (a) An individual commits
10 an offense if the individual knowingly fails to comply with Section
11 576.002.

12 (b) An offense under this section is a Class B misdemeanor.

13 SECTION 8. Section [253.034](#), Election Code, as amended by
14 this Act, applies only to a political contribution made on or after
15 the effective date of this Act. A political contribution made
16 before the effective date of this Act is governed by the law in
17 effect on the date the contribution was made, and the former law is
18 continued in effect for that purpose.

19 SECTION 9. Section [571.077](#)(d), Government Code, as added by
20 this Act, applies only to a statement, registration, or report
21 required to be filed with the Texas Ethics Commission that is due on
22 or after the effective date of this Act or that is due before the
23 effective date of this Act but is filed after the effective date of
24 this Act.

25 SECTION 10. Section [572.062](#), Government Code, as added by
26 this Act, applies only to a member of the legislature or statewide
27 officeholder who ceases to hold office on or after the effective

1 date of this Act.

2 SECTION 11. This Act takes effect September 1, 2019.