

BILL ANALYSIS

Senate Research Center
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S.B. 716
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 78th Regular Session in 2003, Speaker of the House Tom Craddick issued a proclamation to create the House Select Committee on Ethics. H.B. 1606 was a product of that committee, and that bill made changes to existing laws related to ethics, including the reporting of political contributions and personal financial information, among other areas.

H.B. 1606 (78R) created Chapter 145 of the Local Government Code, entitled “Financial Disclosure by and Standards of Conduct for Local Government Officers.” In that chapter, H.B. 1606 created the requirement that, in municipalities with a population of 100,000 or more, “municipal officers” or a candidate for such office must file a financial statement with the clerk or secretary of the municipality in which the officer or candidate resides.

Chapter 145.005 (Form of Statement) of the Local Government Code contains the requirements relevant to the actual form of the financial statement. Currently, Section 145.005(b) requires that the clerk or secretary of a municipality mail two copies of the form to any appointed municipal officer, or mail a copy of the form to any electoral candidate for such office not later than the 10th day before the deadline for filing the financial statement. Current law only provides one option to the secretary or clerk for delivery of this form – by traditional mail.

S.B. 716 amends Chapter 145 to allow the clerk or secretary of a municipality to deliver the required financial form by means other than traditional mail, including personal delivery and e-mail or “any other means of electronic transfer,” taking into account the wide prevalence of Internet access and various means of electronic communication, for the ultimate purpose of providing clerks and secretaries more flexibility in delivering these forms. Additionally, the bill adds nonsubstantive, conforming changes to language within Chapter 145.

As proposed, S.B. 716 amends current law relating to the methods of delivery for required financial statement forms sent to certain municipal officeholders and candidates for municipal office.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 145.005(b), Local Government Code, as follows:

(b) Requires the clerk or secretary to deliver at least one copy of the form by mail, personal delivery, or e-mail or any other means of electronic transfer, rather than mail two copies of the form, to each municipal officer or person who is appointed to a municipal office who is required to file under this chapter within the time prescribed by Section 572.030(c)(1) (relating to requiring a certain notice to be mailed by a certain date), Government Code. Requires the clerk or secretary to deliver, rather than mail, a copy of the form to each candidate for a municipal office filled by election who is required to file under this chapter not later than the 10th day before the deadline for filing

the statement under Section 145.004(c) (relating to requiring a candidate for a municipal office filled by election to file a certain financial statement).

SECTION 2. Amends Section 145.009(c), Local Government Code, to provide that it is a defense to prosecution under this section that the officer or candidate did not receive copies of the financial statement form required to be delivered, rather than mailed, to the officer or candidate by this chapter.

SECTION 3. Provides that Section 145.005(b), Local Government Code, as amended by this Act, applies only to a financial statement due on or after the effective date of this Act. Provides that a financial statement due before the effective date of this Act is governed by the law in effect on the date the financial statement was due, and the former law is continued in effect for that purpose.

SECTION 4. Provides that Section 145.009(c), Local Government Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2015.