

BILL ANALYSIS

Senate Research Center
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S.B. 13
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 13 proposes several ethics reforms designed to ensure that elected officials represent their constituencies, not special interests or their own financial interest. One way S.B. 13 accomplishes this is by amending Section 141.001 of the Election Code such that, in order to be eligible to be a candidate for, or elected or appointed to, a public office in this state, a person must not be required to register as a lobbyist under Chapter 305 of the Government Code.

S.B. 13 includes exceptions to the above restriction if the elected office is an office of a political subdivision with a population of 150,000 or less, so long as the office is not the presiding officer of the governing body of the political subdivision and the officeholder does not receive a salary or wage for that office. However, an individual registered as a lobbyist under Chapter 305 of the Government Code may be a candidate for, or elected or appointed as the presiding officer of the governing body for of a political subdivision with a population of 50,000 or less if the officeholder does not receive a salary or wage for that office.

S.B. 13 also amends Section 572.032 of the Government Code to ensure that all financial disclosure statements are available to the public on the Texas Ethics Commission's Internet website not later than the second business day after the date the statement is filed. However, 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.

Lastly, S.B. 13 ensures legislators are not using their elected position for their own financial gain by prohibiting former members of the legislature from registering as a lobbyist before the end of the legislative cycle following the legislative cycle in which the former member last served as a member of the legislature. This bill creates a criminal offense for the violation of this section.

As proposed, S.B. 13 amends current law relating to the ethics of public officials, including restrictions relating to lobbying and the personal financial statements of public officials; and creates a criminal offense.

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 141.001, Election Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

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

(1)–(5) makes no changes to these subdivisions;

(6) makes a nonsubstantive change to this subdivision;

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

(8) makes no changes to this subdivision.

(e) Provides that, except as restricted by Section 7.103(c) (relating to prohibiting persons required to register as a lobbyist from serving as a member on, or acting as counsel to, the State Board of Education), 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) Provides that, 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. Amends Subchapter A, Chapter 305, Government Code, by adding Section 305.0031, as follows:

Sec. 305.0031. CERTAIN ELECTED OFFICERS MAY NOT REGISTER. (a) Prohibits a member of Congress, a member of the legislature, or a holder of a statewide office from registering under this chapter.

(b) Provides that 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. Amends Section 572.032, Government Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires the Texas Ethics Commission (TEC) to maintain the financial statements filed under this subsection 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 TEC's Internet website not later than the second business day after the date the statement is filed.

(d) Provides that TEC 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. Reenacts 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, and amends it, as follows:

(a-1) Requires TEC to 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)–(2) makes no changes to these subdivisions;

(3) making the statement available to the public on TEC's Internet website, rather than making the statement available to the public on TEC's Internet website, if TEC makes statements filed under this subchapter available on its website.

SECTION 5. Amends Subchapter C, Chapter 572, Government Code, by adding Section 572.062, as follows:

Sec. 572.062. FORMER LEGISLATOR: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) Defines "administrative action," "communicates directly with," "legislation," "member of the executive branch," "member of the legislative branch," and "legislative cycle."

(b) Prohibits a former member of the legislature, except as provided by Subsection (c), from engaging 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) Provides that 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) Provides that a former member of the legislature who violates this section commits an offense. Provides that an offense under this section is a Class A misdemeanor.

SECTION 6. Amends Chapter 601, Government Code, by adding Section 601.010, as follows:

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

(b) Provides that, 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) Provides that, 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. Makes application of Section 141.001(a), as amended by this Act, and Section 601.010, Government Code, as added by this Act, prospective to January 12, 2021.

SECTION 8. Makes application the changes in law made by this Act to Chapter 572 prospective to September 1, 2019.

SECTION 9. Makes application of Section 572.062, Government Code, as added by this Act, prospective to September 1, 2019.

SECTION 10. (a) Effective date, except as provided by Subsection (b) of this section: September 1, 2019.

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