

SUBJECT: Requiring ethics training for legislators

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Berman, Bohac, Anchia, Burnam, Farias
0 nays
2 absent — England, C. Howard

WITNESSES: For — John Courage, True Courage Action Network; (*Registered, but did not testify*: Ken Bailey, Texas Democratic Party)
Against — None
On — Natalia Luna Ashley, Texas Ethics Commission

BACKGROUND: Government Code, ch. 571 governs the Texas Ethics Commission. Its statutory responsibilities include but are not limited to administering and enforcing laws on political contributions and expenditures and advertising; lobbyist registration, reports, and activities; personal financial disclosure of state officers; and conduct of state officers and employees.
Effective January 1, 2006, elected and appointed public officials are required to receive four hours of training in Texas open government laws. The Office of the Attorney General (OAG) offers free video training courses and online courses.

DIGEST: CSHB 1735 would require the Texas Ethics Commission to provide ethics training for members and members-elect of the Legislature. The primary focus of the training would be compliance with reporting requirements for political and campaign funds. The training could be delivered in a variety of ways, including seminars, DVDs, the Internet, or in another appropriate electronic manner.
Members and members-elect would have to take a three-hour initial training session no later than 90 days after they first were elected or appointed to the Legislature and a one-hour training session no later than two years after the date of the initial training. The TEC would provide a

revised training session reflecting changes in political reporting requirements no later than 90 days after the effective date of substantive changes, as determined by the TEC, and members and members-elect would have to complete the revised training within 60 days of it being made available.

If a person did not take the training by the time required, the TEC would have 15 days to post on its Internet website the name of those who did not take the training. The names would be removed as soon as practicable after the person completed the training. One or more people employed by the member or member-elect could participate in the ethics training, but it would not satisfy the obligation of the member or member-elect to complete the training.

A person completing the training would receive a certificate of completion from the TEC, which would describe the laws covered by the training. The certificate would be admissible as evidence in a criminal prosecution for a violation of laws covered by the training, but would not be considered prima facie evidence that the defendant knowingly violated the law.

The training would be designed to use the best practices developed for other training programs, including the open records training provided by the attorney general, and would include a mechanism for those who took the training to provide an evaluation of the understandability and usefulness of the training. The training would have to be regularly revised to reflect changes in the law.

The TEC also could provide seminars for lobbyists that addressed lobbying issues, political contributions and expenditures, and other issues the TEC deemed appropriate. The TEC could charge a fee for the cost associated with them.

A person who was serving in the Legislature on January 1, 2008, would have to complete the ethics training no later than April 1, 2008. Anyone who was elected or appointed after January 1, 2008, would have to comply as required by the provisions of the bill.

CSHB 1735 would repeal the requirement that the TEC provide ethics training by January of each odd-numbered year for members and members-elect of the Legislature.

The bill would take effect January 1, 2008.

**SUPPORTERS
SAY:**

CSHB 1735 would help legislators avoid making technical reporting violations and would provide citizens with greater confidence in their elected officials. Texas has complex political reporting laws that are sometimes a challenge for lawmakers to understand and follow. Stiff penalties and public embarrassment for violations in many cases could be avoided if legislators had more education to help lead them through the complex landscape of political contribution and expenditures reporting requirements. Laws and TEC rulings change periodically, so it is imperative to keep up to date and informed on these important statutory and legal requirements.

The number of complaints regarding ethics violations has increased. From 2001 to 2006, the number of complaints filed with the TEC rose from 75 to 270, which is more than three-fold. Many of these violations were technical and could have been avoided if legislators were better informed.

Many citizens have lost faith in their elected officials because of a few high-profile national scandals. Legislators have a responsibility to show their constituents that they are accountable and their commitment to ethics is strong, and the bill would be an additional tool to enhance the public's confidence in government.

The training would not be onerous because legislators already are required to take open records training provided by the Office of the Attorney General. That training also is provided online or on DVD, so legislators are familiar with the format. Also, posting the names of those who failed to complete the ethics training would not set a new precedent because currently the TEC posts the names and addresses of candidates and officeholders who are delinquent in filing required reports.

The TEC still would provide the ethics training to new and returning members at the start of every session, as required by current law.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute would allow the member or member-elect to choose one or more employees to take the training but stipulates that it would not satisfy the member's obligation. The substitute also would

require the TEC to post online the names of those who did not complete the training and to issue a completion certificate, which if needed, could be used as admissible evidence in some cases.

According to the Legislative Budget Board, the bill would cost \$126,328 each fiscal biennium.

The House engrossed version of HB 1 by Chisum, the general appropriations bill, contains a contingency rider for HB 1735 in Art. 11 that would appropriate \$250,000 in general revenue for fiscal 2008 and \$100,000 in fiscal 2009.