

By: Davis of Harris

H.B. No. 22

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Texas Ethics Commission;
creating a criminal offense.

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

SECTION 1. Section 571.061(a), Government Code, is amended
to read as follows:

(a) The commission shall administer and enforce:

(1) Chapters 302, 303, 305, 572, and 2004;

(2) Chapter 145, Local Government Code, in connection
with a municipal officer, as defined by that chapter, to the extent
that the municipal officer is required by that chapter to file a
financial statement that complies with Chapter 572;

(3) [~~Subchapter C,~~] Chapter 159, Local Government
Code, in connection with a county judicial officer, county officer,
or precinct officer to whom that chapter applies, to the extent that
the county judicial officer, county officer, or precinct officer is
required by that chapter to file a financial statement that
complies with Chapter 572 [~~as defined by Section 159.051, Local
Government Code, who elects to file a financial statement with the
commission~~];

(4) [~~(3)~~] Title 15, Election Code; [~~and~~]

(5) [~~(4)~~] Sections 30.00044(j), 2152.064, and
2155.003; and

(6) any requirement under state law that a local

1 officer in this state file a financial statement that complies with
2 Chapter 572.

3 SECTION 2. Section 571.0671, Government Code, is amended by
4 adding Subsection (d) to read as follows:

5 (d) Electronic report data saved in a commission temporary
6 storage location for later retrieval and editing before the report
7 is filed is confidential and may not be disclosed. After the report
8 is filed, the information disclosed in the report is subject to the
9 law requiring the filing of the report.

10 SECTION 3. Section 571.091(a), Government Code, is amended
11 to read as follows:

12 (a) The commission shall prepare a written opinion
13 answering the request of a person subject to any of the following
14 laws for an opinion about the application of any of these laws to
15 the person in regard to a specified existing or hypothetical
16 factual situation:

- 17 (1) Chapter 302;
- 18 (2) Chapter 303;
- 19 (3) Chapter 305;
- 20 (4) Chapter 2004;
- 21 (5) Chapter 572;
- 22 (6) [~~Subchapter C,~~] Chapter 145 or 159, Local
23 Government Code, as provided by Section 571.061(a)(2) or (3), as
24 applicable;
- 25 (7) Title 15, Election Code;
- 26 (8) Chapter 36, Penal Code;
- 27 (9) Chapter 39, Penal Code;

- 1 (10) Section 2152.064; [~~or~~]
- 2 (11) Section 2155.003;
- 3 (12) Section 30.00044(j); or
- 4 (13) any other law that the commission is directed to
- 5 administer and enforce under Section 571.061.

6 SECTION 4. Section 571.125, Government Code, is amended by
7 adding Subsection (f) to read as follows:

8 (f) Counsel for the respondent may subpoena a witness to a
9 preliminary review hearing in the same manner as an attorney may
10 issue a subpoena in a proceeding in a county or district court.

11 SECTION 5. Section 571.130, Government Code, is amended by
12 adding Subsection (f) to read as follows:

13 (f) Counsel for the respondent may subpoena a witness to a
14 formal hearing in the same manner as an attorney may issue a
15 subpoena in a proceeding in a county or district court.

16 SECTION 6. Section 571.140(a), Government Code, is amended
17 to read as follows:

18 (a) Except as provided by Subsection (b) or (b-1) or by
19 Section 571.1401 or 571.171, proceedings at a preliminary review
20 hearing performed by the commission, a sworn complaint, and
21 documents and any additional evidence relating to the processing,
22 preliminary review, preliminary review hearing, or resolution of a
23 sworn complaint or motion are confidential and may not be disclosed
24 unless entered into the record of a formal hearing or a judicial
25 proceeding, except that a document or statement that was previously
26 public information remains public information.

27 SECTION 7. Subchapter E, Chapter 571, Government Code, is

1 amended by adding Section 571.1401 to read as follows:

2 Sec. 571.1401. CERTAIN DISCLOSURE OF INFORMATION. (a) To
3 protect the public interest, the commission may disclose to a law
4 enforcement agency information that is confidential under Section
5 571.140(a).

6 (b) The commission may disclose information under this
7 section only to the extent necessary for the recipient of the
8 information to perform a duty or function that is in addition to the
9 commission's duties and functions.

10 (c) Information disclosed to a law enforcement agency under
11 this section remains confidential, and the agency must take
12 appropriate measures to maintain that confidentiality.

13 (d) A person commits an offense if the person discloses
14 confidential information obtained under this section. An offense
15 under this subsection is a Class C misdemeanor.

16 SECTION 8. Section 571.176, Government Code, is amended by
17 amending Subsections (a) and (b) and adding Subsection (a-1) to
18 read as follows:

19 (a) The commission may impose a civil penalty of not more
20 than \$10,000 for the filing of a frivolous or bad-faith complaint.
21 In this section:

22 (1) a complaint is frivolous if the complaint
23 [subsection, "frivolous complaint" means a complaint that] is
24 groundless and brought in bad faith or is groundless and brought for
25 the purpose of harassment; and

26 (2) a complaint is groundless if the complaint does
27 not allege a violation of the law that is material, nonclerical, or

1 nontechnical.

2 (a-1) The commission shall award to the respondent of a
3 frivolous complaint:

4 (1) costs, reasonable attorney's fees, and other
5 expenses incurred in defending against the complaint as justice and
6 equity may require; and

7 (2) sanctions against the person who filed the
8 complaint as the commission determines sufficient to deter the
9 person from filing similar frivolous complaints.

10 (b) In addition to other penalties, a person who files a
11 frivolous complaint is civilly liable to the respondent in an
12 amount equal to the greater of \$10,000 or the amount of actual
13 damages incurred by the respondent [~~, including court costs and~~
14 ~~attorney fees~~].

15 SECTION 9. Sections 572.030(b), (c), and (d), Government
16 Code, are amended to read as follows:

17 (b) The commission shall notify [~~mail to~~] each individual
18 required to file under this subchapter of a [~~a notice that~~]:

19 (1) the requirement [~~states~~] that the individual [~~is~~
20 ~~required to~~] file a financial statement under this subchapter;

21 (2) [~~identifies~~] the filing dates for the financial
22 statement as provided by Sections 572.026 and 572.027; and

23 (3) [~~describes~~] the manner in which the individual may
24 electronically file the financial statement and access
25 instructions for filing financial statements on [~~obtain the~~
26 ~~financial statement forms and instructions from~~] the commission's
27 Internet website[+]

1 ~~[(4) states that on request of the individual, the~~
2 ~~commission will mail to the individual a copy of the financial~~
3 ~~statement forms and instructions; and~~

4 ~~[(5) states, if applicable, the fee for mailing the~~
5 ~~forms and instructions and the manner in which the individual may~~
6 ~~pay the fee].~~

7 (c) Except as provided by commission rule, the notification
8 ~~[The notice]~~ required by Subsection (b) must be provided ~~[mailed]~~:

9 (1) before the 30th day before the deadline for filing
10 the financial statement under Section 572.026(a) or (c), except as
11 otherwise provided by this subsection;

12 (2) not later than the 15th day after the applicable
13 deadline for filing an application for a place on the ballot or a
14 declaration of write-in candidacy for candidates required to file
15 under Section 572.027(a), (b), or (c);

16 (3) not later than the seventh day after the date of
17 appointment for individuals required to file under Section
18 572.026(b), or if the legislature is in session, sooner if
19 possible; and

20 (4) not later than the fifth day after the date the
21 certificate of nomination is filed for candidates required to file
22 under Section 572.027(d) ~~[574.027(d)]~~.

23 (d) Except as provided by commission rule, the ~~[The]~~
24 commission shall mail a copy of the financial statement forms and
25 instructions to an individual not later than the third business day
26 after the date the commission receives the individual's request for
27 the forms and instructions.

1 SECTION 10. This Act takes effect September 1, 2015.