



# Authority of Local Officials Act

HB 31 & 5

## Bill Text

### 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. Subchapter B, Chapter 571, Government Code, is amended by adding Section 571.033 to read as follows: Sec. 571.033. NOTIFICATION PROCEDURES. The commission shall adopt rules prescribing how the commission will notify any person or provide any notice required by this subtitle, Chapter 305, or Title 15, Election Code. SECTION 2. 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 officer in this state file a financial statement that complies with Chapter 572. SECTION 3. Section 571.0671, Government Code, is amended by adding Subsection (d) to read as follows: (d) Electronic report data saved in a commission temporary storage location for later retrieval and editing before the report is filed is confidential and may not be disclosed. After the report is filed, the information disclosed in the report is subject to the law requiring the filing of the report. SECTION 4. Section 571.091(a), Government Code, is amended to read as follows: (a) The commission shall prepare a written opinion answering the request of a person subject to any of the following laws for an opinion about the application of any of these laws to the person in regard to a specified existing or hypothetical factual situation: (1) Chapter 302; (2) Chapter 303; (3) Chapter 305; (4) Chapter 2004; (5) Chapter 572; (6) [Subchapter C,] Chapter 145 or 159, Local Government Code, as provided by Section 571.061(a)(2) or (3), as applicable; (7) Title 15, Election

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#### Senate Committee Laying Out in State Affairs

#### Senate Author

Jacobed Aguiluz

#### House Committee Laying Out In State Affairs

#### House Authors

Armani Trevino

Jennefer Olivarez

Alyza Saenz

Erin Solis

#### Lobbyist

Ally Garza

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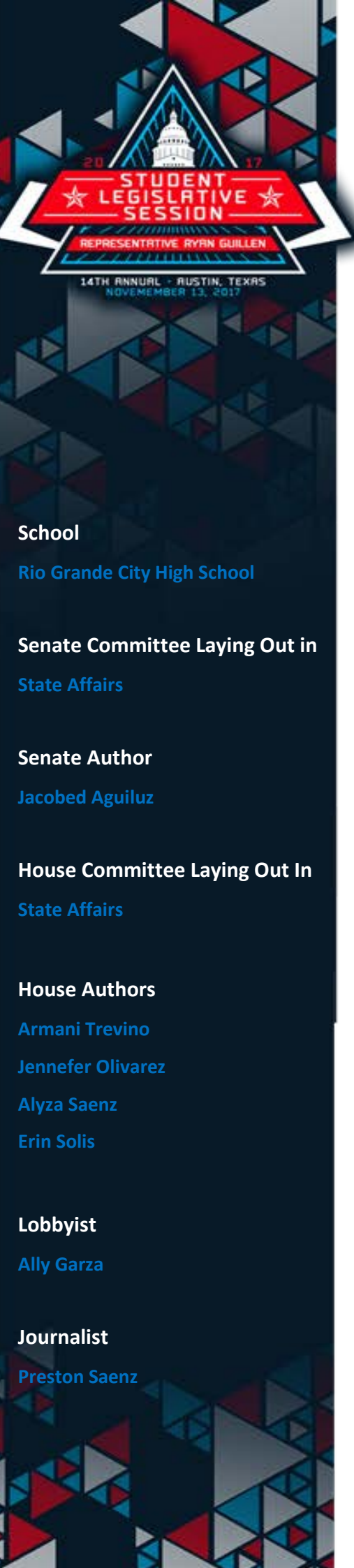
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Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064; [or] (11) Section 2155.003; (12) Section 30.00044(j); or (13) any other law that the commission is directed to administer and enforce under Section 571.061. SECTION 5. Section 571.140(a), Government Code, is amended to read as follows: (a) Except as provided by Subsection (b) or (b-1) or by Section 571.1401 or 571.171, proceedings at a preliminary review hearing performed by the commission, a sworn complaint, and documents and any additional evidence relating to the processing, preliminary review, preliminary review hearing, or resolution of a sworn complaint or motion are confidential and may not be disclosed unless entered into the record of a formal hearing or a judicial proceeding, except that a document or statement that was previously public information remains public information. SECTION 6. Subchapter E, Chapter 571, Government Code, is amended by adding Section 571.1401 to read as follows: Sec. 571.1401. CERTAIN DISCLOSURE OF INFORMATION. (a) To protect the public interest, the commission may disclose to a law enforcement agency information that is confidential under Section 571.140(a). (b) The commission may disclose information under this section only to the extent necessary for the recipient of the information to perform a duty or function that is in addition to the commission's duties and functions. (c) Information disclosed to a law enforcement agency under this section remains confidential, and the agency must take appropriate measures to maintain that confidentiality. (d) A person commits an offense if the person discloses confidential information obtained under this section. An offense under this subsection is a Class C misdemeanor. SECTION 7. Section 571.176(a), Government Code, is amended to read as follows: (a) The commission may impose a civil penalty of not more than \$10,000 for the filing of a frivolous or bad-faith complaint. In this section: (1) a complaint is frivolous if the complaint [subsection, "frivolous complaint" means a complaint that] is groundless and brought in bad faith or is groundless and brought for the purpose of harassment; and (2) a complaint is groundless if the complaint does not allege a violation of the law that is material, nonclerical, or nontechnical. SECTION 8. Sections 572.030(b), (c), and (d), Government Code, are amended to read as follows: (b) The commission shall notify [mail to] each individual required to file under this subchapter of [a notice that]: (1) the requirement [states] that the individual [is required to] file a financial statement under this subchapter; (2) [identifies] the filing dates for the financial statement as provided by Sections 572.026 and 572.027; and (3) [describes] the manner in which the individual may electronically file the financial statement and access instructions for filing financial statements on [obtain the financial statement forms and instructions from] the commission's Internet website[:]; (4) states that on request of the individual, the commission will mail to the individual a copy of the financial statement forms and instructions; and [(5) states, if applicable,



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the fee for mailing the forms and instructions and the manner in which the individual may pay the fee]. (c) Except as provided by commission rule, the notification [The notice] required by Subsection (b) must be provided [mailed]: (1) before the 30th day before the deadline for filing the financial statement under Section 572.026(a) or (c), except as otherwise provided by this subsection; (2) not later than the 15th day after the applicable deadline for filing an application for a place on the ballot or a declaration of write-in candidacy for candidates required to file under Section 572.027(a), (b), or (c); (3) not later than the seventh day after the date of appointment for individuals required to file under Section 572.026(b), or if the legislature is in session, sooner if possible; and (4) not later than the fifth day after the date the certificate of nomination is filed for candidates required to file under Section 572.027(d) [574.027(d)]. (d) Except as provided by commission rule, the [The] commission shall mail a copy of the financial statement forms and instructions to an individual not later than the third business day after the date the commission receives the individual's request for the forms and instructions. SECTION 9. This Act takes effect September 1, 2019.