

Authority of Local Officials Act

HB 31 & 5

Bill Analysis

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested observers note that each biennium the Texas Ethics Commission publishes recommendations for improving the commission's efficiency. This bill seeks to implement some of these recommendations.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 1 of this bill.

ANALYSIS

This bill amends the Government Code to require the Texas Ethics Commission to adopt rules prescribing how the commission will notify any person or provide any notice required by statutory provisions relating to ethics, the registration of lobbyists, or the regulation of political funds and campaigns under the Election Code. The bill includes among the laws administered and enforced by the commission:

- Local Government Code provisions requiring a mayor, a member of the governing body, the municipal attorney, or the city manager in a municipality with a population of 100,000 or more to file a financial statement, to the extent that the Local Government Code provisions require such a municipal officer to file a personal financial statement with the commission;
- Local Government Code provisions requiring a county judge, county commissioner, or county attorney in a county with a population of 100,000 or more, a sheriff, county tax assessor-collector, county clerk, district clerk, county treasurer, county auditor, county purchasing agent, a constable, a justice of the peace, or a master, magistrate, or referee appointed by a justice of the peace in a county with a population of 125,000 or more to file a financial statement or a report, as applicable, to the extent that the Local Government Code provisions require such officers to file a personal financial statement with the commission;
- Government Code provisions requiring a municipal judge of the City of Lubbock to file a personal financial statement with the commission; and
- Any requirement under state law that a local officer in Texas file such a financial statement with the commission.

The bill includes such added laws among the laws for which the commission is required to prepare a written advisory opinion on request

School

Rio Grande City High School

Senate Committee Laying Out in

State Affairs

Senate Author

Jacobed Aguiluz

House Committee Laying Out In

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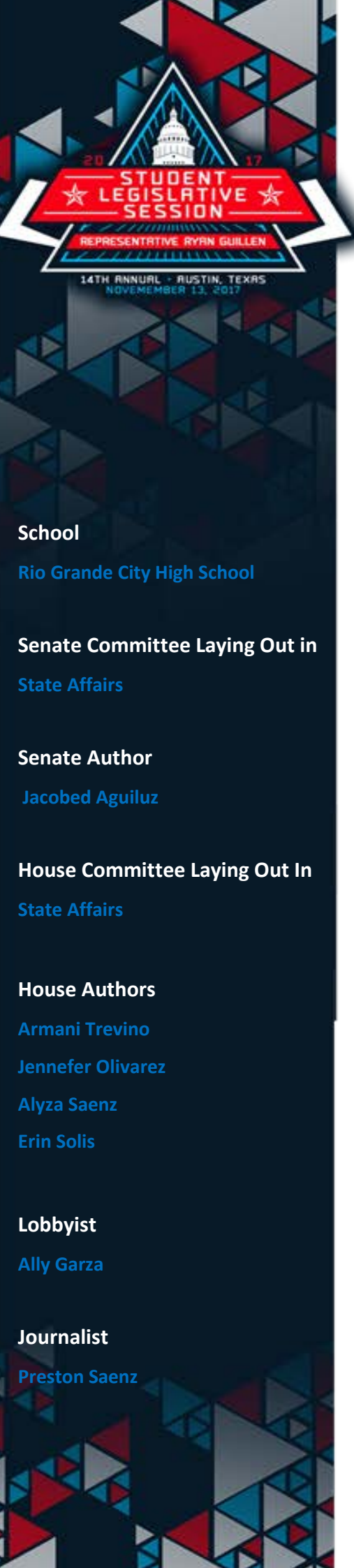
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from a person subject to such laws.

This bill makes electronic report data saved in a commission temporary storage location for later retrieval and editing before certain reports submitted to the commission are filed confidential and prohibits the disclosure of such data. The bill subjects the information disclosed in the report to the law requiring the filing of the report after the report is filed.

This bill authorizes the commission to disclose to a law enforcement agency information that is otherwise confidential to protect the public interest but limits such disclosure 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. The bill establishes that the information disclosed to a law enforcement agency under this provision remains confidential and requires the agency to take appropriate measures to maintain that confidentiality. The bill makes it a Class C misdemeanor to disclose confidential information obtained from a disclosure under this provision.

This bill removes a requirement that the commission mail to each individual required to file a personal financial statement a notice containing specified information and replaces it with a requirement that the commission notify each individual required to file such a statement of the requirement that the individual file a personal financial statement, of the applicable filing dates for the financial statement, and of the manner in which the individual may electronically file the financial statement and access instructions for filing financial statements on the commission's website.

This bill establishes, for purposes of statutory provisions relating to a civil penalty for the filing of a frivolous, groundless, or bad-faith complaint to the commission, that a complaint is groundless if the complaint does not allege a violation of the law that is material, nonclerical, or nontechnical.