

BILL ANALYSIS

C.S.H.B. 3511
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General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to interested parties, the Texas Ethics Commission has recommended amending state law relating to the filing of financial statements to address the electronic filing of such statements by certain persons. C.S.H.B. 3511 seeks to implement the commission's recommendation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3511 amends the Government Code to exempt a person who electronically files a verified personal financial statement with the Texas Ethics Commission or another filing authority from the requirement to include a notarized affidavit with the financial statement if the person has requested and received an electronic filing password under the rules of the commission or other authority, as applicable, and the person uses that password to file the financial statement. The bill requires each verified personal financial statement that is not filed electronically to be accompanied by an affidavit executed by the person required to file the financial statement and requires the affidavit to contain a statement with specified language attesting to the report's truthfulness and correctness and to the completeness of the information required to be reported. The bill requires each verified personal financial statement filed electronically to be under oath by the person required to file the financial statement and to contain, in compliance with commission or local filing authority specifications, the digitized signature of the person required to file the financial statement. The bill establishes that a filed verified personal financial statement is considered to be under oath by the person required to file the financial statement and subjects the person to prosecution under Penal Code provisions relating to perjury and other falsification regardless of the absence of or a defect in the affidavit.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3511 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 572.023, Government Code, is amended by adding Subsection (g) to read as follows:

(g) A person who electronically files a verified financial statement with the commission or another filing authority is not required to include a notarized affidavit with the financial statement if the person:

(1) has requested and received an electronic filing password pursuant to the rules of the commission or other authority, as applicable; and

(2) uses that password to file the financial statement.

SECTION 2. This Act applies only to a financial statement due on or after the effective date of this Act. A financial statement due before the effective date of this Act is governed by the law in effect on the date the financial statement was due, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 572.023, Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) A person who electronically files a verified financial statement with the commission or another filing authority is not required to include a notarized affidavit with the financial statement if the person:

(1) has requested and received an electronic filing password pursuant to the rules of the commission or other authority, as applicable; and

(2) uses that password to file the financial statement.

(h) Each financial statement filed under this chapter that is not filed electronically must be accompanied by an affidavit executed by the person required to file the financial statement. The affidavit must contain the statement: "I swear, or affirm, under penalty of perjury, that the accompanying report is true and correct and includes all information required to be reported by me under Chapter 572, Government Code." Each financial statement filed electronically under this chapter must be under oath by the person required to file the financial statement and must contain, in compliance with commission or local filing authority specifications, the digitized signature of the person required to file the financial statement. A financial statement filed under this chapter is considered to be under oath by the person required to file the financial statement, and the person is subject to prosecution under Chapter 37, Penal Code, regardless of the absence of or a defect in the affidavit.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.