

BILL ANALYSIS

Senate Research Center
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S.B. 1299
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1773, 83rd Legislature, Regular Session, 2013, created an interim select committee to review laws and regulations related to ethics and to recommend any changes that should be made to more effectively accomplish the purposes of the laws. The committee was established as part of a continuing effort to streamline ethics laws to more effectively convey the legislature's intended mission for the Texas Ethics Commission (TEC). The committee focused on issues that will assist in building and maintaining public confidence in government and will provide for improved transparency and oversight. (*Select Interim Committee to Study Ethics Law; Interim Report - 83rd Legislature*)

S.B. 219, 83rd Legislature, Regular Session, 2013, authored by Senator Huffman, proposed changes to TEC. One of those changes was in the areas of investigation and enforcement by TEC. To ensure transparency and public confidence, the committee convened and began reviewing ethics laws and regulations. The goal of the hearing held by the committee was to assess and develop recommendations from the membership to modernize and provide uniformity to ethics laws and regulations on the state and local level. One of the tasks sought to clarify and simplify the language in Chapter 305, Government Code. The provisions of the code, as enacted by the legislature, went through a deliberative process and as such, the language cannot be modified except through further legislation.

S.B. 1299 seeks to modify the impact of rules adopted by TEC by prohibiting TEC from defining in rule a term for purposes of Chapter 254 (Political Reporting), Election Code, or Chapter 305 (Registration of Lobbyists), Government Code, or for purposes of the administration or enforcement of those laws.

As proposed, S.B. 1299 amends current law relating to rules adopted by the Texas Ethics Commission relating to lobbyists or the reporting of political contributions or expenditures.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Ethics Commission is modified in SECTION 1 (Section 571.062, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 571.062, Government Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes the Texas Ethics Commission (TEC), on the affirmative vote of at least six members of TEC, to adopt rules to administer this chapter or any other law administered and enforced by TEC, except as provided by Subsection (c).

(c) Prohibits TEC from defining, by rule, a term for purposes of Chapter 254 (Political Reporting), Election Code, or Chapter 305 (Registration of Lobbyists) of this code or for purposes of the administration or enforcement of those laws.

SECTION 2. Provides that a rule adopted by TEC before the effective date of this Act that defines a term for purposes of Chapter 254, Election Code, or Chapter 305, Government Code, or for purposes of the administration or enforcement of those laws, has no effect. Requires TEC

to modify its rules as soon as practicable after the effective date of this Act to reflect the change in law made by Section 571.062(c), Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2015.