

BILL ANALYSIS

C.S.H.B. 3305
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General Investigating & Ethics
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that appointing officials to state boards and commissions is one of the most important roles of the governor and argue that individuals appointed to positions in public agencies and on state boards should be chosen on the basis of their qualifications, not their ability to donate money. C.S.H.B. 3305 seeks to address this issue by making ineligible for such appointment individuals who made certain political contributions to the governor or to a specific-purpose committee supporting or assisting the governor.

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. 3305 amends the Government Code to make an individual ineligible to serve as a public officer appointed by the governor if during the year preceding the date of appointment the individual made political contributions that in the aggregate exceeded \$2,500 to the governor or to a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder. The bill prohibits an individual serving as a public officer appointed by the governor, during any single year in which the individual serves in that office, from making political contributions that in the aggregate exceed \$2,500 to the governor or to a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder. The bill makes an individual who violates these provisions liable in damages to the state in the amount of triple the amount of contributions in a single year that exceed the prescribed limit.

C.S.H.B. 3305 establishes for the bill's purposes that a political contribution made by the spouse or dependent child of an individual or a political contribution from an organization made in the individual's name and with the individual's consent is considered to be a contribution made by the individual. The bill requires an individual appointed by the governor, before taking office, to sign an attestation that during the year preceding the appointment the individual, the individual's spouse or dependent child, and an organization in the individual's name and with the individual's consent did not make political contributions exceeding \$2,500 to the governor or a specific-purpose political committee supporting the governor as a candidate or assisting the governor as an officeholder.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3305 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. Chapter 601, Government Code, is amended by adding Section 601.012 to read as follows:

Sec. 601.012. CERTAIN DONORS INELIGIBLE FOR GUBERNATORIAL APPOINTMENTS.

(a) In this section, "political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(b) An individual is ineligible to serve as an officer appointed by the governor if during the year preceding the date of appointment the individual made political contributions that in the aggregate exceeded \$2,500 to:

- (1) the governor; or
- (2) a specific-purpose committee supporting the governor as a candidate or officeholder.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 601, Government Code, is amended by adding Section 601.012 to read as follows:

Sec. 601.012. CERTAIN DONORS INELIGIBLE FOR GUBERNATORIAL APPOINTMENTS; CONTRIBUTIONS BY GUBERNATORIAL APPOINTEES RESTRICTED.

(a) In this section, "political contribution" and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

(b) An individual is ineligible to serve as an officer appointed by the governor if during the year preceding the date of appointment the individual made political contributions that in the aggregate exceeded \$2,500 to:

- (1) the governor; or
- (2) a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder.

(c) An individual serving as an officer appointed by the governor may not during any single year in which the individual serves in that office make political contributions that in the aggregate exceed \$2,500 to the governor or a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder. An individual who violates this section is liable in damages to this state in the amount of triple the amount of contributions in a single year that exceed the limit prescribed by this subsection.

(d) For purposes of Subsection (b) or (c), a political contribution made by the spouse or dependent child of an individual or a political contribution from an organization made in the individual's name and with the individual's consent is considered to be a contribution made by the individual.

(e) Before taking office, an individual appointed by the governor must sign an

attestation that during the year preceding the appointment the individual, the individual's spouse or dependent child, and an organization in the individual's name and with the individual's consent did not make political contributions exceeding \$2,500 to the governor or a specific-purpose committee supporting the governor as a candidate or assisting the governor as an officeholder.

SECTION 2. Section 601.012, Government Code, as added by this Act, applies to an appointment made on or after the effective date of this Act.

SECTION 2. Same as introduced version.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.