

BILL ANALYSIS

Senate Research Center

C.S.S.B. 73
By: Haywood
State Affairs
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Committee Report (Substituted)

DIGEST

Currently, Texas law requires a county judicial officer or a candidate for that office to file a financial statement with the county clerk. This provides access to information such as financial holdings, personal residence, and the names of dependent children. Recently, some county court-at-law and probate judges have been the targets of retaliation by individuals who oppose the judges' decisions or judicial authority. The concern has been raised that the information available on the financial statement has been used by the individuals to harass or annoy the judges. This bill authorizes the financial statement to be filed with the county clerk or the Texas Ethics Commission, and requires the names of dependent children to be removed from the financial statement upon written request.

PURPOSE

As proposed, C.S.S.B. 73 provides for the filing of and public access to financial statements of county judicial officers and candidates for that office.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 159.051 and 159.052, Local Government Code, as follows:

Sec. 159.051. New heading: DEFINITIONS. Defines "commission." Makes conforming and nonsubstantive changes.

Sec. 159.052. FILING REQUIREMENT. Requires a county judicial officer (officer) or a candidate for that office (candidate) to file a financial statement with the county clerk or the Texas Ethics Commission (commission). Requires an officer or candidate who files a financial statement with the commission to file a document with the county clerk stating that the officer or candidate is filing the statement with the commission. Requires the document to be filed by the deadline for filing the financial statement.

SECTION 2. Amends Section 159.054(a), Local Government Code, to make conforming changes.

SECTION 3. Amends Section 159.055, Local Government Code, as follows:

Sec. 159.055. PUBLIC ACCESS TO STATEMENTS. Provides that a document filed under Section 159.052(b) is a public record, except as provided by Subsection (b). Requires the county clerk or the commission to maintain financial statements or documents in a manner accessible to the public during regular business hours. Requires the county clerk or the commission, upon written request, to remove the names of the officer's or candidate's dependent children from the financial statement before it is made available to the public. Makes conforming changes.

SECTION 4. Amends Section 571.030(b), Government Code, to authorize money in the state ethics fund to be appropriated only to the commission to administer and enforce Chapter 159C, Local Government Code, as provided by Section 571.061(a)(2).

SECTION 5. Amends Section 571.061(a), Government Code, to require the commission to administer and enforce Chapter 159C, Local Government Code, in connection with a county judicial officer, as defined by Section 159.051, Local Government Code, who elects to file a financial statement with the commission.

SECTION 6. Amends Section 571.091(a), Government Code, to require the commission to prepare a written opinion answering the request of a person subject to Chapter 159C, Local Government Code, as provided by Section 571.061(a)(2), for an opinion about the application of that law to the person in regard to a specified existing or hypothetical situation.

SECTION 7. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 8. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 4.

Adds Section 571.030(b), Government Code, regarding money in the state ethics fund.

SECTION 5.

Adds Section 571.061(a), Government Code, to require the Texas Ethics Commission to administer and enforce Chapter 159C, Local Government Code.

SECTION 6.

Adds Section 571.091(a), Government Code, regarding a written opinion by the Texas Ethics Commission on the applicability of Chapter 159C, Local Government Code.

SECTIONS 7 and 8.

Redesignates SECTIONS 7 and 8 from SECTIONS 4 and 5.