

LEGISLATIVE UPDATE

TO: Commission Members
FROM: Virlindia Doss, Executive Director ^{VAD}
DATE: February 21, 2017

HJR 7001

HB 7003

HJR 7001 and HB 7003 are a Constitutional revision and bill extending the prohibition on Legislators representing persons or entities before their former agencies from the current two years to six years after leaving office. These measures have passed out of both their committees of reference in the House.

PCB PIEC 17-03

PCB PIEC 17-04

PCB PIEC 03 relates to local government ethics reform, and passed out of the Public Integrity and Ethics Committee February 14. It contains the Commission's recommendations on closing the conflicts loophole and requiring disclosure before a local elected officer participates in a measure on which he or she has a voting conflict, and a version of the Commission's recommendation on Form 6 disclosure for local governing bodies; the bill would require such enhanced disclosure for cities with more than \$5 million in general revenue.

A provision in this bill that has a significant potential impact on this agency is a requirement that the Commission on Ethics be responsible for registering all persons who want to lobby local government entities, including special districts. There are approximately 2,427 such entities, and no one knows exactly how many lobbyists—my estimate is that it would be in the thousands. PCB PIEC 04 authorizes a trust fund for the fees the lobbyists would pay to register.

Neither of these measures has officially been filed as of this writing, so it is unknown what, if any, other committees of reference there might be.

HB 365

This bill would automatically suspend rulemaking authority four years from the date it was granted by the Legislature. Except in extremely limited circumstances, agencies would be unable to make rules after the suspension date unless the Legislature reauthorized their ability to do so. Because the Commission's financial disclosure forms must be adopted as rules, and because they must be updated every year, suspension of rulemaking authority would have a significant impact on this agency.

SB 126

This bill would allow the promotion or advancement of relatives who were already employed in some capacity by an agency, if the agency "uses a comprehensive application and hiring process that includes an independent promotional examination."

The need for this exception is not clear, as there is no across-the-board prohibition on the advancement of relatives in an agency under current law. Advancement is only prohibited if the authority for such advancement is *vested* in the official or his or her collegial body. The bill contains no definition of what would constitute a "comprehensive application and hiring process," or explanation of what is meant by an "independent promotional examination." As such, it would apparently be possible for an agency head who cared to do so to create a policy and hiring/promotion process geared to the advancement of the relative.

SB 306

This bill deletes the concept and the definition of special private gain or loss from the voting conflicts law. Instead of being prohibited from voting on a measure that inures to his special private gain or loss, an official would be prohibited from voting on any measure that inured to his or her gain or loss, *unless* "the matter would result in an economic benefit or harm to the public generally or to a broad segment of the public." Since we have no body of precedent to use as guidance on what would be considered "the public generally or a broad segment of the public," some confusion could be expected were such a change to be adopted.