



TEXAS ETHICS COMMISSION MEETING MINUTES

Morning Meeting Minutes

August 8, 2013, 9:40 a.m.

Capitol Extension, Room E1.010

Austin, Texas 78701



COMMISSIONERS PRESENT: Jim Clancy, Chair; Paul W. Hobby, Vice Chair, Hugh C. Akin, Tom Harrison, Bob Long, Paula M. Mendoza, and Chase Untermeyer.

COMMISSIONERS ABSENT: Tom Ramsay

STAFF PRESENT: Natalia L. Ashley, Margie Castellanos, Jessie Haug, Becky Levy, Mike McElhaney, Melissa Ramos, David A. Reisman, and Tim Sorrells.

MINUTES

This meeting was recorded. These minutes are a summary record of the Commission's actions at the meeting. For a detailed record of discussions and statements made by persons speaking at the meeting, please consult the audio recordings on file at the Commission's office.

Agenda Item 1: Call to order; roll call.

The meeting was called to order by Chair Clancy. David A. Reisman, Executive Director, called the roll. All Commissioners were present, except for Commissioner Ramsay.

Agenda Item 2: Communication to the Commission from the public.

Jack Gullahorn, representing the Professional Advocacy Association of Texas (PAAT), spoke before the Commission regarding provisions dealing with registration as a lobbyist.

Agenda Item 3: Approve minutes of the May 29, 2013, workshop Commission meeting, and the May 30, 2013, executive session, morning and afternoon Commission meetings.

Motion by Commissioner Harrison to approve the minutes of the May 29, 2013, workshop Commission meeting, and the May 30, 2013, executive session, morning and afternoon Commission meetings; second by Commissioner Long. **Motion passed by a vote of seven ayes.**

Agenda Item 4: Report from subcommittee, public discussion and possible action on issues of proper reporting and record keeping for personal expenses, officeholder living expenses in Austin, travel, per diem, and state reimbursed expenses.

Commissioner Untermeyer briefed the Commission on this agenda item. Steve Adrian, Executive Director of House Business Operations, explained the process of per diem payments to legislative members. Jeff Archer, Chief Legislative Counsel of the Texas Legislative Council, described the payment process of different types of per diem payments during the session to legislative members. Patsy Spaw, Secretary of the Senate, explained the Senate per diem payment method is similar to the House and Legislative Council. Ms. Spaw also mentioned the Senate always uses the per diem rate set by the Ethics Commission.

Agenda Item 5: Report from subcommittee, public discussion and possible action on issues of forms simplification.

As chair of this subcommittee, Chair Clancy gave a presentation on this agenda item. He expressed his desire to create new forms that are simple and statutorily compliant. Chair Clancy explained to the Commission that he would like to create an online filing software system that is designed to guide users through their online reporting step-by-step. Gardner Pate spoke before the Commission. Mr. Pate recommended suggestions to the Commission regarding the new filing software. Motion by Commissioner Untermeyer to approve proposed rules § 20.54 and § 20.58, and the following new schedules: R-3, schedules 1, 3, 4, 8, 9, 10, 11, and the subtotal summary page; second by Commissioner Mendoza. **Motion passed by a vote of seven ayes to amend rules § 20.54 and § 20.58, and to adopt new schedule R-3, schedules 1, 3, 4, 8, 9, 10, 11, and the subtotal summary page.**

Agenda Item 6: Public discussion and possible action on proposed training pamphlet “Am I a Lobbyist?”

Jack Gullahorn spoke before the Commission on this agenda item. Mr. Gullahorn mentioned several recommendations the Commission should consider when finalizing the pamphlet. Chair Clancy tabled Agenda Item 6 with no specific timeline mentioned.

Agenda Item 7: Public discussion and possible action on a proposed training pamphlet on common campaign finance mistakes.

Gardner Pate spoke before the Commission on this agenda item and gave a suggestion on what to include in the proposed pamphlet. Chair Clancy moved the Commission to Agenda Item 8 with no action taken on Agenda Item 7.

Agenda Item 8: Public discussion and possible action on the proposal and publication in the Texas Register of a Texas Ethics Commission Rule relating to political bookkeeping requirements.

Motion by Commissioner Untermeyer to publish the proposed rule; second by Commissioner Harrison. **Motion passed by a vote of seven ayes.**

Agenda Item 9: Public discussion and possible action on adoption or proposal and publication in the Texas Register of Texas Ethics Commission Rule § 20.1 expanding definition of “political advertising” to include certain electronic messages.

Gardner Pate spoke before the Commission on this agenda item and gave a suggestion on what to include in the proposed pamphlet. Motion by Vice Chair Hobby to amend rule § 20.1; second by Commissioner Untermeyer. **Motion passed by a vote of seven ayes.**

Agenda Item 10: Public discussion and possible action on the adoption or proposal and publication in the Texas Register of Texas Ethics Commission Rule § 26.7 (Use of the Term “Reelect” in Political Advertising) relating to the use of the term reelect in political advertising.

Motion by Vice Chair Hobby to adopt rule § 26.7; second by Commissioner Mendoza. **Motion passed by a vote of seven ayes.**

Agenda Item 11: Comments by the Commissioners

None.

Agenda Item 12: Comments by the Executive Director.

David A. Reisman, Executive Director, briefed the Commission on the Commission’s quarterly report for the 3rd quarter of the fiscal year 2013. He mentioned improvements made to the delinquent filer list. Mr. Reisman updated the Commission on the progress of the vendor selection for the new electronic filing system. He talked about the November 14, 2013, Texas Ethics Commission Training Symposium to be held in El Paso. Lastly, Mr. Reisman mentioned that the Texans for Free Enterprise v. Texas Ethics Commission oral arguments are starting in the U.S. 5th Circuit Court of Appeals that will be held September 14, 2013, in New Orleans.

Agenda Item 13: Adjourn.

Motion by Commissioner Long to adjourn; second by Commissioner Harrison. **Motion passed by a unanimous vote.**