

## Ethics reform not swept under rug, but not sweeping either

Nearly four years after Gov. Greg Abbott called on the Legislature to pass meaningful ethics reform, he's finally got some of it on his desk. But it's not as sweeping as the watchdogs wanted.

BY JAY ROOT    JUNE 1, 2017    16 HOURS AGO

It wasn't the sweeping ethics reform that the watchdogs had in mind.

But almost four years after Gov. [Greg Abbott](#) began prodding the Legislature to better police its own conduct and shed more light on conflicts of interest, state lawmakers finally sent him a few bills accomplishing just that.

Elected officials who [commit felonies](#) while abusing their office will lose their public pensions. State officers and politicians who make money from government contracts will finally [have to reveal](#) their relationships. And lawmakers who leave the Legislature with fat campaign accounts will be restricted from [using the cash](#) to prop themselves up as lobbyists.

Those three reforms, long sought by proponents, survived the Capitol's killing fields, where self-interested lawmakers and their friends thrive better in the dark.

"I'm very proud of the Texas Legislature for stepping up and passing what I consider to be very robust, very meaningful, substantial ethics reforms, making sure that Texas and our representatives and senators and those who work in the Capitol will be reflecting the highest standards," Abbott said this week.

The governor, who declared ethics reform a legislative "emergency" for the last two sessions in a row, told reporters it was "highly unusual" and possibly unprecedented for a Texas governor to use his fast-track authority to move ethics bills in the absence of some major scandal.

In 1973, the Texas Legislature reacted to the [Sharpstown scandal](#) — a classic pay-to-play controversy that took down top state leaders — with sweeping ethics reforms in the realm of campaign finance, lobbying, open government and personal financial disclosures. Two decades later, in the early 1990s, Gov. Ann Richards, responding to a series of ethics controversies, pushed through legislation creating the Texas Ethics Commission, banning campaign donations inside the Capitol and enacting new lobbyist disclosure rules.

Attempts to modernize ethics laws since then have moved at a glacial pace or not at all. After The Texas Tribune [revealed](#) that Gov. [Rick Perry](#) was taking advantage of an obscure perk that let longtime politicians draw both a pension and a state salary, the Legislature [finally banned such double dipping](#) almost four years later.

The author of that bill, Rep. [Chris Turner](#), D-Grand Prairie, has been trying even longer to get a law requiring online publication of legislators' personal financial statements. He struck out again this year.

"I had more than one member [of the Legislature] come to me and express their discomfort to me," Turner said. "I think some members think that they're somehow protecting some element of privacy by not posting them online, and I don't understand that."

Abbott made ethics reform a [signature issue](#) during the 2014 governor's race, and then followed through a year later by making it a top priority in his first legislative session. But the reform effort [cratered](#) in the final hours of the 2015 session, descending into a predictable round of finger-pointing and blame-shifting.

At one point state Rep. [Sarah Davis](#), R-West University Hills, asked Abbott to veto one of her own bills after it had been amended with a so-called "[spousal loophole](#)" — the brainchild of Sen. [Joan Huffman](#), R-Houston — that would have allowed lawmakers to hide potential conflicts of interest in the name of a wife or husband. Abbott obliged and killed Davis' bill.

Things are different this year. The governor is expected to sign the three major ethics bills that made it to his desk.

But there were another three on his priority list, all focused on lobbyists, that didn't make it. Nor did a few far-reaching ethics proposals that weren't on the top leaders' anointed list but had the backing of watchdogs — like barring the governor from appointing his big donors to state posts or exposing the sources of so-called "dark money" given to candidates by politically active nonprofits.

Lt. Gov. [Dan Patrick](#) has expressed opposition to requiring disclosure of dark money, saying it's a violation of free speech rights. The bill curbing the influence of big gubernatorial donors passed the House but never moved an inch in Patrick's Texas Senate.

"It is disheartening," said Carol Birch of Public Citizen of Texas, a liberal watchdog group that pushed for sweeping changes. "While some lawmakers strive hard to pass meaningful ethics reform, those in control pay lip service while actively working to ensure it goes nowhere."

Patrick's office did not respond to a request for comment.

In the House, one of the dead bills would have required retiring legislators to endure a two-year "cooling-off period" before becoming lobbyists. Watchdogs said the bill was needed to ensure the politicians are passing bills on behalf of their constituents and not some future employer willing to pay them big bucks to lobby.

The author, Rep. [Charlie Geren](#), R-Fort Worth, said previously that fellow legislators told him they didn't want their career options limited after leaving public office. The bill, [Senate Bill 504](#), got as far as the mysterious House Calendars Committee, known as a sort of death chamber for unpopular bills.

“Some bills come out [of the committee], some don’t. The reason for it, I just don’t discuss,” said Rep. [Todd Hunter](#), the Corpus Christi Republican who chairs the panel. “It’s not like we didn’t do ethics bills.”

Another lobby regulation never made it to Hunter’s committee: Senate Bill 502, which would have closed a [widely exploited loophole](#) that prevents Texans from knowing which lobbyists are wining and dining their lawmakers.

That was the whole idea behind the 1990s-era reform aimed at requiring lobbyists to disclose their entertainment activities. But they found a little trick: Team up with other lobbyists and split the check to stay below the threshold requiring them to report the name of the official they’re schmoozing.

House Speaker [Joe Straus](#), R-San Antonio said through an aide two weeks ago that he wanted loophole-closing HB 502 to pass, but it died in his chamber along with the other two lobby-specific ethics bills.

Straus spokesman Jason Embry pointed to a series of bills that died in the Senate — including mandatory disclosure of gifts by contractors to local elected officials and the one aimed at what Rep. [Lyle Larson](#) called a [“pay-to-play” system](#) allowing the governor to appoint his or her donors to state posts.

“The House approved some substantial ethics reforms this year in order to increase transparency and public confidence in government. Some of those bills have been sent to Governor Abbott, and others did not make it out of the Senate,” Embry said. “Speaker Straus tries not to get personally involved in the work of the Calendars Committee.”

The author of the ethics package in the Senate, Republican Sen. [Van Taylor](#) of Plano, expressed disappointment about the bills that didn’t make it, but he said he was proud of what did — including the bill revoking public pensions for corrupt politicians.

Earlier this year, The Texas Tribune identified [more than two dozen former elected officials](#) with prior felony convictions who are potentially collecting retirement payouts. They include former Attorney General Dan Morales, former state Rep. [Joe Driver](#) and the former sheriff of Hidalgo County, Lupe Treviño. State Rep. [Dawwna Dukes](#), D-Austin, is facing felony abuse-of-office charges and could soon join the list.

The bill isn’t retroactive and won’t apply to any of them, but Taylor said it was high time for the Legislature to cut off future felons from doing the same. He’s been filing legislation to take away pensions from lawbreaking politicians since his first regular session in 2011.

Six years later, Senate Bill 500 — making elected officials ineligible to collect pensions if they’re convicted of serious corruption offenses — is awaiting the governor’s signature.

“Unquestionably, progress was made on behalf of the people,” Taylor said. “It is unjust for taxpayers to shoulder the burden of paying for a pension of someone who commits a crime in the conduct of their office.”