

1-1 By: Hartnett (Senate Sponsor - Wentworth) H.B. No. 677
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 4, 2009, read first time and referred to Committee on State
1-4 Affairs; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 677 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to violations of laws administered and enforced by the
1-11 Texas Ethics Commission and to sworn complaints alleging such
1-12 violations.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 571, Government Code, is
1-15 amended by adding Section 571.0631 to read as follows:

1-16 Sec. 571.0631. RULES CONCERNING TECHNICAL AND CLERICAL
1-17 VIOLATIONS. The commission shall adopt rules prescribing
1-18 procedures for investigating and resolving technical and clerical
1-19 violations of laws within the commission's jurisdiction. For
1-20 registrations and reports filed under Chapter 305, the commission
1-21 shall consider clerical violations to include obvious
1-22 typographical errors. A registrant filing a registration or report
1-23 under Chapter 305 may correct obvious typographical errors without
1-24 penalty by filing either a corrected registration or report or an
1-25 updated or amended registration or report.

1-26 SECTION 2. Section 571.122, Government Code, is amended by
1-27 adding Subsection (b-1) to read as follows:

1-28 (b-1) To be eligible to file a sworn complaint with the
1-29 commission, an individual must be a resident of this state or must
1-30 own real property in this state. A copy of one of the following
1-31 documents must be attached to the complaint:

1-32 (1) the complainant's driver's license or personal
1-33 identification certificate issued under Chapter 521,
1-34 Transportation Code, or commercial driver's license issued under
1-35 Chapter 522, Transportation Code;

1-36 (2) a utility bill, bank statement, government check,
1-37 paycheck, or other government document that:

1-38 (A) shows the name and address of the
1-39 complainant; and

1-40 (B) is dated not more than 30 days before the date
1-41 on which the complaint is filed; or

1-42 (3) a property tax bill, notice of appraised value, or
1-43 other government document that:

1-44 (A) shows the name of the complainant;

1-45 (B) shows the address of real property in this
1-46 state; and

1-47 (C) identifies the complainant as the owner of
1-48 the real property.

1-49 SECTION 3. Subchapter E, Chapter 571, Government Code, is
1-50 amended by adding Section 571.142 to read as follows:

1-51 Sec. 571.142. LIABILITY FOR RESPONDENT'S COSTS. (a) This
1-52 section applies only to a sworn complaint if:

1-53 (1) the complaint was filed after the 30th day before
1-54 the date of an election;

1-55 (2) the respondent is a candidate in the election; and

1-56 (3) the complaint alleges a violation other than a
1-57 technical or clerical violation.

1-58 (b) If, in disposing of a sworn complaint to which this
1-59 section applies, the commission determines that a violation within
1-60 the commission's jurisdiction has not occurred, the complainant is
1-61 liable for the respondent's reasonable and necessary attorney's
1-62 fees and other costs incurred in defending against the complaint.

1-63 (c) This section does not apply to a sworn complaint

2-1 regarding a reporting omission required by law.

2-2 SECTION 4. Section 571.122, Government Code, as amended by
2-3 this Act, and Section 571.142, Government Code, as added by this
2-4 Act, apply only to a sworn complaint filed with the Texas Ethics
2-5 Commission on or after September 1, 2009.

2-6 SECTION 5. This Act takes effect September 1, 2009.

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