

AN ACT

relating to the filing of sworn complaints with the Texas Ethics Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 571.122, Government Code, is amended by amending Subsection (a) and adding Subsection (b-1) to read as follows:

(a) An individual may file with the commission a sworn complaint~~[, on a form prescribed by the commission,]~~ alleging that a person subject to a law administered and enforced by the commission has violated a rule adopted by or a law administered and enforced by the commission. A sworn complaint must be filed on a form prescribed by the commission. The commission shall make the complaint form available on the Internet. The form prescribed by the commission must require the complainant to provide the following information for both the complainant and the respondent:

(1) the person's name;

(2) the person's telephone number;

(3) the person's electronic mail address, if known;

and

(4) the physical address of the person's home or

business.

(b-1) An individual must be a resident of this state to be eligible to file a sworn complaint with the commission. A copy of

1 one of the following documents must be attached to the complaint:

2 (1) the complainant's driver's license or personal
3 identification certificate issued under Chapter 521,
4 Transportation Code, or commercial driver's license issued under
5 Chapter 522, Transportation Code; or

6 (2) a utility bill, bank statement, government check,
7 paycheck, or other government document that:

8 (A) shows the name and address of the
9 complainant; and

10 (B) is dated not more than 30 days before the date
11 on which the complaint is filed.

12 SECTION 2. Subchapter E, Chapter 571, Government Code, is
13 amended by adding Section 571.1221 to read as follows:

14 Sec. 571.1221. DISMISSAL OF COMPLAINT FILED AT DIRECTION OR
15 URGING OF NONRESIDENT. At any stage of a proceeding under this
16 subchapter, the commission shall dismiss the complaint if the
17 commission determines that the complaint was filed at the direction
18 or urging of a person who is not a resident of this state.

19 SECTION 3. Section 571.123(c), Government Code, is amended
20 to read as follows:

21 (c) If the commission determines that the complaint does not
22 comply with the form requirements, the commission shall send the
23 complaint to the complainant with the written notice, a statement
24 explaining how the complaint fails to comply, and a copy of the
25 rules for filing sworn complaints. The commission shall send a copy
26 of the rejected complaint to the respondent with the written notice
27 and the statement explaining how the complaint fails to comply. The

1 complainant may resubmit the complaint not later than the 21st day
2 after the date the notice under Subsection (b) is mailed. If the
3 commission determines that the complaint is not resubmitted within
4 the 21-day period, the commission shall:

5 (1) dismiss the complaint; and

6 (2) not later than the fifth business day after the
7 date of the dismissal, send written notice to the complainant and
8 the respondent of the dismissal and the grounds for dismissal.

9 SECTION 4. Section 571.122, Government Code, as amended by
10 this Act, and Section 571.1221, Government Code, as added by this
11 Act, apply only to a sworn complaint filed with the Texas Ethics
12 Commission on or after the effective date of this Act. A sworn
13 complaint filed with the Texas Ethics Commission before the
14 effective date of this Act is governed by the law in effect on the
15 date the complaint is filed, and the former law is continued in
16 effect for that purpose.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 3218 was passed by the House on April 30, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3218 on May 23, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3218 on May 31, 2009, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

H.B. No. 3218

I certify that H.B. No. 3218 was passed by the Senate, with amendments, on May 18, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3218 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor