

By: Naishtat

H.B. No. 3218

A BILL TO BE ENTITLED

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(a), Government Code, is amended 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; and

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

SECTION 2. Section 571.123(c), Government Code, is amended to read as follows:

(c) If the commission determines that the complaint does not comply with the form requirements, the commission shall send the

1 complaint to the complainant with the written notice, a statement  
2 explaining how the complaint fails to comply, and a copy of the  
3 rules for filing sworn complaints. The commission shall send a copy  
4 of the rejected complaint to the respondent with the written notice  
5 and the statement explaining how the complaint fails to comply. The  
6 complainant may resubmit the complaint not later than the 21st day  
7 after the date the notice under Subsection (b) is mailed. If the  
8 commission determines that the complaint is not resubmitted within  
9 the 21-day period, the commission shall:

- 10           (1) dismiss the complaint; and  
11           (2) not later than the fifth business day after the  
12 date of the dismissal, send written notice to the complainant and  
13 the respondent of the dismissal and the grounds for dismissal.

14           SECTION 3. Section 571.122(a), Government Code, as amended  
15 by this Act, applies only to a sworn complaint filed with the Texas  
16 Ethics Commission on or after the effective date of this Act. A  
17 sworn complaint filed with the Texas Ethics Commission before the  
18 effective date of this Act is governed by the law in effect on the  
19 date the complaint is filed, and the former law is continued in  
20 effect for that purpose.

21           SECTION 4. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2009.