

1-1 By: Naishtat (Senate Sponsor - Zaffirini) H.B. No. 3218
1-2 (In the Senate - Received from the House May 1, 2009;
1-3 May 6, 2009, read first time and referred to Committee on State
1-4 Affairs; May 12, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 12, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the filing of sworn complaints with the Texas Ethics
1-9 Commission.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 571.122(a), Government Code, is amended
1-12 to read as follows:

1-13 (a) An individual may file with the commission a sworn
1-14 complaint [~~, on a form prescribed by the commission,~~] alleging that
1-15 a person subject to a law administered and enforced by the
1-16 commission has violated a rule adopted by or a law administered and
1-17 enforced by the commission. A sworn complaint must be filed on a
1-18 form prescribed by the commission. The commission shall make the
1-19 complaint form available on the Internet. The form prescribed by
1-20 the commission must require the complainant to provide the
1-21 following information for both the complainant and the respondent:

1-22 (1) the person's name;
1-23 (2) the person's telephone number;
1-24 (3) the person's electronic mail address, if known;

1-25 and

1-26 (4) the physical address of the person's home or
1-27 business.

1-28 SECTION 2. Section 571.123(c), Government Code, is amended
1-29 to read as follows:

1-30 (c) If the commission determines that the complaint does not
1-31 comply with the form requirements, the commission shall send the
1-32 complaint to the complainant with the written notice, a statement
1-33 explaining how the complaint fails to comply, and a copy of the
1-34 rules for filing sworn complaints. The commission shall send a copy
1-35 of the rejected complaint to the respondent with the written notice
1-36 and the statement explaining how the complaint fails to comply. The
1-37 complainant may resubmit the complaint not later than the 21st day
1-38 after the date the notice under Subsection (b) is mailed. If the
1-39 commission determines that the complaint is not resubmitted within
1-40 the 21-day period, the commission shall:

1-41 (1) dismiss the complaint; and
1-42 (2) not later than the fifth business day after the
1-43 date of the dismissal, send written notice to the complainant and
1-44 the respondent of the dismissal and the grounds for dismissal.

1-45 SECTION 3. Section 571.122(a), Government Code, as amended
1-46 by this Act, applies only to a sworn complaint filed with the Texas
1-47 Ethics Commission on or after the effective date of this Act. A
1-48 sworn complaint filed with the Texas Ethics Commission before the
1-49 effective date of this Act is governed by the law in effect on the
1-50 date the complaint is filed, and the former law is continued in
1-51 effect for that purpose.

1-52 SECTION 4. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2009.

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