

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Hartnett

H.B. No. 677

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to violations of laws administered and enforced by the  
3 Texas Ethics Commission and to sworn complaints alleging such  
4 violations.

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

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

8 Sec. 571.0631. RULES CONCERNING TECHNICAL AND CLERICAL  
9 VIOLATIONS. The commission shall adopt rules defining technical and  
10 clerical violations of laws within the commission's jurisdiction.

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

13 (b-1) An individual must be a resident of this state to be  
14 eligible to file a sworn complaint with the commission. A copy of  
15 one of the following documents must be attached to the complaint:

16 (1) the complainant's driver's license or personal  
17 identification certificate issued under Chapter 521,  
18 Transportation Code, or commercial driver's license issued under  
19 Chapter 522, Transportation Code; or

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

22 (A) shows the name and address of the  
23 complainant; and

24 (B) is dated not more than 30 days before the date

1 on which the complaint is filed.

2 SECTION 3. Subchapter E, Chapter 571, Government Code, is  
3 amended by adding Section 571.1221 to read as follows:

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

9 SECTION 4. Subchapter E, Chapter 571, Government Code, is  
10 amended by adding Section 571.142 to read as follows:

11 Sec. 571.142. LIABILITY FOR RESPONDENT'S COSTS. (a) This  
12 section applies only to a sworn complaint if:

13 (1) the complaint was filed after the 30th day before  
14 the date of an election;

15 (2) the respondent is a candidate in the election; and

16 (3) the complaint alleges a violation other than a  
17 technical or clerical violation.

18 (b) If, in disposing of a sworn complaint to which this  
19 section applies, the commission determines that a violation within  
20 the commission's jurisdiction has not occurred and that the  
21 complaint is groundless and without merit, the complainant is  
22 liable for the respondent's reasonable and necessary attorney's  
23 fees and other costs incurred in defending against the complaint.

24 (c) This section does not apply to a sworn complaint  
25 regarding a reporting omission required by law.

26 SECTION 5. Section 571.122, Government Code, as amended by  
27 this Act, and Sections 571.1221 and 571.142, Government Code, as

1 added by this Act, apply only to a sworn complaint filed with the  
2 Texas Ethics Commission on or after September 1, 2009.

3 SECTION 6. This Act takes effect September 1, 2009.

**ADOPTED**

MAY 26 2009

*Patry D. ...*  
Secretary of the Senate

By: Wentworth

H.B. No. 677

Substitute the following for \_\_\_B. No. \_\_\_\_\_:

By: Duall

C.S.H.B. No. 677

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AN ACT

2 relating to violations of laws administered and enforced by the  
3 Texas Ethics Commission and to sworn complaints alleging such  
4 violations.

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

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

8 Sec. 571.0631. RULES CONCERNING TECHNICAL AND CLERICAL  
9 VIOLATIONS. The commission shall adopt rules prescribing  
10 procedures for investigating and resolving technical and clerical  
11 violations of laws within the commission's jurisdiction. For  
12 registrations and reports filed under Chapter 305, the commission  
13 shall consider clerical violations to include obvious  
14 typographical errors. A registrant filing a registration or report  
15 under Chapter 305 may correct obvious typographical errors without  
16 penalty by filing either a corrected registration or report or an  
17 updated or amended registration or report.

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

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

24 (1) the complainant's driver's license or personal

1 identification certificate issued under Chapter 521,  
2 Transportation Code, or commercial driver's license issued under  
3 Chapter 522, Transportation Code;

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

6 (A) shows the name and address of the  
7 complainant; and

8 (B) is dated not more than 30 days before the date  
9 on which the complaint is filed; or

10 (3) a property tax bill, notice of appraised value, or  
11 other government document that:

12 (A) shows the name of the complainant;

13 (B) shows the address of real property in this  
14 state; and

15 (C) identifies the complainant as the owner of  
16 the real property.

17 SECTION 3. Subchapter E, Chapter 571, Government Code, is  
18 amended by adding Section 571.142 to read as follows:

19 Sec. 571.142. LIABILITY FOR RESPONDENT'S COSTS. (a) This  
20 section applies only to a sworn complaint if:

21 (1) the complaint was filed after the 30th day before  
22 the date of an election;

23 (2) the respondent is a candidate in the election; and

24 (3) the complaint alleges a violation other than a  
25 technical or clerical violation.

26 (b) If, in disposing of a sworn complaint to which this  
27 section applies, the commission determines that a violation within

1 the commission's jurisdiction has not occurred, the complainant is  
2 liable for the respondent's reasonable and necessary attorney's  
3 fees and other costs incurred in defending against the complaint.

4 (c) This section does not apply to a sworn complaint  
5 regarding a reporting omission required by law.

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

10 SECTION 5. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB677** by Hartnett (Relating to violations of laws administered and enforced by the Texas Ethics Commission and to sworn complaints alleging such violations.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend statute and require the Texas Ethics Commission to develop rules concerning technical and clerical violations and adds sections concerning the filing of sworn complaints by state residents or property owners. The Ethics Commission indicates that any costs associated with implementation of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, SZ, KJG, JM

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB677** by Hartnett (Relating to violations of laws administered and enforced by the Texas Ethics Commission and to sworn complaints alleging such violations.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend statute and require the Texas Ethics Commission to develop rules concerning technical and clerical violations and adds sections concerning the filing of sworn complaints by state residents or property owners. The Ethics Commission indicates that any costs associated with implementation of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, KJG, JM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 21, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB677** by Hartnett (Relating to violations of laws administered and enforced by the Texas Ethics Commission and to sworn complaints alleging such violations.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend statute and require the Texas Ethics Commission to develop rules concerning technical and clerical violations and adds sections concerning the filing of sworn complaints by nonresidents. The Ethics Commission indicates that any costs associated with implementation of the bill could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, KJG, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 8, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB677** by Hartnett (Relating to liability for a respondent's attorney's fees and costs incurred in defending against a sworn complaint filed with the Texas Ethics Commission.),  
**Committee Report 1st House, As Amended**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, MN, JM

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB677** by Hartnett (Relating to liability for a respondent's attorney's fees and costs incurred in defending against a sworn complaint filed with the Texas Ethics Commission.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, MN, JM