

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Naishtat

H.B. No. 3218

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the filing of sworn complaints with the Texas Ethics  
3 Commission.

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

5 SECTION 1. Section 571.122(a), Government Code, is amended  
6 to read as follows:

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

16 (1) the person's name;  
17 (2) the person's telephone number;  
18 (3) the person's electronic mail address, if known;  
19 and  
20 (4) the physical address of the person's home or  
21 business.

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

24 (c) If the commission determines that the complaint does not

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

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

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

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

**ADOPTED**

*3rd Reading*

FLOOR AMENDMENT NO 1

MAY 18 2009

BY: *Ogden*

*Atty Gen*  
Secretary of the Senate

1 Amend H.B. No. 3218 (senate committee printing) as follows:

2 (1) in SECTION 1 of the bill, on page 1, line 17, between  
3 "enforced by the commission" and "." insert ", including but not  
4 limited to Sec. 572.0253";

5 (2) add new appropriately numbered SECTIONS to the bill to  
6 read as follows and renumber subsequent SECTIONS of the bill:

7 SECTION \_\_. Subchapter B, Chapter 572, Government  
8 Code, is amended by adding Section 572.0253 to read as follows:

9 Sec. 572.0253. REPORT OF CONTRACT WITH STATE AGENCY.

10 (a) A member of the legislature shall report on the financial  
11 statement the identification and amount of any contract entered  
12 into during the period covered by the statement between the  
13 member, or a business entity in which the member has a  
14 substantial interest, and a state agency.

15 (b) Sections 572.005(3), (5), (6), and (7) do not apply in  
16 determining whether, for purposes of this section, an individual  
17 has a substantial interest in a business entity.; and

18 SECTION \_\_. Section 572.0253, Government Code, as added by  
19 this Act, applies only to a financial statement required to be  
20 filed under Subchapter B, Chapter 572, Government Code, on or  
21 after September 1, 2009.

# ADOPTED

MAY 18 2009

*Atay Spaid*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Wentworth*

1 Amend H.B. No. 3218 (senate committee printing) as follows:

2 (1) Strike the recital in SECTION 1 of the bill (page 1,  
3 lines 11 and 12), and substitute "Section 571.122, Government Code,  
4 is amended by amending Subsection (a) and adding Subsection (b-1)  
5 to read as follows:

6 (2) In SECTION 1 of the bill, following amended Section  
7 571.122(a), Government Code (page 1, between lines 27 and 28),  
8 insert the following:

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

12 (1) the complainant's driver's license or personal  
13 identification certificate issued under Chapter 521,  
14 Transportation Code, or commercial driver's license issued under  
15 Chapter 522, Transportation Code; or

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

18 (A) shows the name and address of the  
19 complainant; and

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

22 SECTION \_\_\_\_\_. Subchapter E, Chapter 571, Government Code,  
23 is amended by adding Section 571.1221 to read as follows:

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

29 (3) In SECTION 3 of the bill (page 1, line 45), strike

1 "571.122(a)" and substitute "571.122".

2 (4) In SECTION 3 of the bill (page 1, line 46), strike  
3 "applies" and substitute "and Section 571.1221, Government Code, as  
4 added by this Act, apply".

5 (5) Renumber the SECTIONS of the bill accordingly.



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

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

**May 19, 2009**

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

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

**IN RE: HB3218** by Naishtat (Relating to the filing of sworn complaints with the Texas Ethics Commission.), **As Passed 2nd House**

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

The bill would amend the Election Code regarding the filing of sworn complaints with the Texas Ethics Commission.

The bill would require a member of the legislature to report on the financial statement the identification and amount of any contract between the member, or a business entity in which the member has a substantial interest, and a state agency.

It is assumed that any additional cost associated with the implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

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





**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

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

**May 8, 2009**

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

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

**IN RE: HB3218** by Naishtat (Relating to the filing of sworn complaints with the Texas Ethics Commission.), **As Engrossed**

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

The bill would amend the Election Code regarding the filing of sworn complaints with the Texas Ethics Commission. It is assumed that any additional cost associated with the implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

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



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

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

**April 23, 2009**

**TO:** Honorable Todd Smith, Chair, House Committee on Elections

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

**IN RE: HB3218** by Naishtat (Relating to the filing of sworn complaints with the Texas Ethics Commission.), **Committee Report 1st House, Substituted**

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

The bill would amend the Election Code regarding the filing of sworn complaints with the Texas Ethics Commission. It is assumed that any additional cost associated with the implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, TP, JM



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

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

**April 13, 2009**

**TO:** Honorable Todd Smith, Chair, House Committee on Elections

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

**IN RE: HB3218** by Naishtat (Relating to the filing of sworn complaints with the Texas Ethics Commission.), **As Introduced**

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

The bill would amend the Election Code regarding the filing of sworn complaints with the Texas Ethics Commission. It is assumed that any additional cost associated with the implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, TP, JM

