

House Bill 3218
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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, if known; and
- (4) the physical address of the person's home or business.

SENATE VERSION

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, **including but not limited to Sec. 572.0253.** 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 one of the following documents must be attached to the complaint:

- (1) the complainant's driver's license or personal identification certificate issued under Chapter 521, Transportation Code, or commercial driver's license issued under Chapter 522, Transportation Code; or**
- (2) a utility bill, bank statement, government check,**

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paycheck, or other government document that:
(A) shows the name and address of the complainant; and
(B) is dated not more than 30 days before the date on
which the complaint is filed.

No equivalent provision.

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

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

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 complaint to the complainant with the written notice, a statement explaining how the complaint fails to comply, and a copy of the rules for filing sworn complaints. The commission shall send a copy of the rejected complaint to the respondent with the written notice and the statement explaining how the complaint fails to comply. The complainant may resubmit the

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

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

No equivalent provision.

No equivalent provision.

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

Sec. 572.0253. REPORT OF CONTRACT WITH STATE AGENCY.

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

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

SECTION ___. Section 572.0253, Government Code, as

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added by this Act, applies only to a financial statement required to be filed under Subchapter B, Chapter 572, Government Code, on or after September 1, 2009.

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

SECTION 3. Section 571.122, Government Code, as amended by this Act, and Section 571.1221, Government Code, as added by this Act, apply only to a sworn complaint filed with the Texas Ethics Commission on or after the effective date of this Act. A sworn complaint filed with the Texas Ethics Commission before the effective date of this Act is governed by the law in effect on the date the complaint is filed, and the former law is continued in effect for that purpose.

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

Same as House version.