

## **BILL ANALYSIS**

C.S.H.B. 1036  
By: Legler  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, two statutory provisions of the Government Code relating to filing of sworn complaints with the Texas Ethics Commission are similarly designated, but inconsistent in meaning and applicability. There is concern that these provisions are creating confusion when dealing with the eligibility of certain nonresident's ability to file sworn complaints with the commission. C.S.H.B. 1036 seeks to address these inconsistencies by repealing one of the provisions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1036 repeals Section 571.122(b-1), Government Code, as added by Chapter 604 (H.B. 677), Acts of the 81st Legislature, Regular Session, 2009, requiring an individual to be a resident of Texas or to own real property in this state to be eligible to file a sworn complaint with the Texas Ethics Commission.

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 1036 differs from the original by repealing Section 571.122(b-1), Government Code, as added by Chapter 604 (H.B. 677), Acts of the 81st Legislature, Regular Session, 2009, requiring an individual to be a resident of Texas or to own real property in this state to be eligible to file a sworn complaint with the Texas Ethics Commission, whereas the original reenacts that provision and also reenacts Section 571.122(b-1), Government Code, as added by Chapter 1166 (H.B. 3218), Acts of the 81st Legislature, Regular Session, 2009, requiring an individual to be a resident of Texas to file such a complaint.

C.S.H.B. 1036 omits a provision included in the original providing as a ground for the commission's dismissal of a complaint alleging a violation of certain rules and laws administered and enforced by the commission that the complaint was filed at the direction or urging of a person who does not own real property in Texas.