



Floor Amendment No. \_\_\_\_\_

17 MAR 27 AM 9:55  
By: Boaly  
HOUSE OF REPRESENTATIVES

1 Amend CSHB 1818 (House committee report) as follows:

2 (1) On page 3, between lines 12 and 13, insert the following:

3 Sec. 81.067. COMPLAINT; EQUITABLE RELIEF. (a) Any  
4 person, including the federal government, may file a complaint  
5 with the attorney general if the person offers evidence to  
6 support an allegation that the commission has violated the  
7 requirements of Title 10, Government Code, related to  
8 contracting. The person must include with the complaint the  
9 evidence the person has that supports the complaint.

10 (b) The commission shall comply with a document request,  
11 including a request for supporting documents, from the attorney  
12 general related to a complaint under Subsection (a).

13 (c) If the attorney general determines that a complaint  
14 filed under Subsection (a) is valid, the attorney general shall,  
15 not later than the 10th day after the date of the determination,  
16 provide written notification to the commission:

17 (1) the complaint has been filed;

18 (2) the attorney general has determined that the  
19 complaint is valid;

20 (3) the attorney general is authorized to file an  
21 action to enjoin the violation if it is not cured before the  
22 90th day after the date the notification is provided; and

23 (4) each commissioner and managerial or supervisory  
24 employee of the commission who, with the intent to harm or  
25 defraud another, has committed the violation is subject to a  
26 civil penalty under Section 81.068.

27 (d) Not later than the 30th day after the commission  
28 receives written notification under Subsection (c), the  
29 commission shall provide the attorney general with a copy of:

30 (1) the commission's written policies related to  
31 contracting; and

1           (2) each contract active during the same fiscal year  
2 as the contract related to the complaint described by the  
3 written notification under Subsection (c).

4           (e) If the attorney general determines that a complaint  
5 filed under Subsection (a) is valid, the attorney general may  
6 petition the chief justice of the supreme court to convene the  
7 special three-judge district court described by Chapter 22A to  
8 hear a petition for a writ of mandamus or other appropriate  
9 equitable relief to compel the commission to cure the violation.  
10 The court shall be convened in Travis County. The attorney  
11 general may recover reasonable expenses incurred in obtaining  
12 relief under this subsection, including court costs, reasonable  
13 attorney's fees, investigative costs, witness fees, and  
14 deposition costs.

15           (f) An appeal of a suit brought under Subsection (e) is  
16 governed by the procedures for accelerated appeals in civil  
17 cases under the Texas Rules of Appellate Procedure. The  
18 appellate court shall render its final order or judgment with  
19 the least possible delay.

20           Sec. 81.068. CIVIL PENALTY. (a) A commissioner or  
21 managerial or supervisory employee of the commission who  
22 violates, with the intent to harm or defraud another, the  
23 requirements of Title 10, Government Code, related to  
24 contracting is subject to a civil penalty in an amount:

25                   (1) not less than \$1,000 and not more than \$1,500 for  
26 the first violation; and

27                   (2) not less than \$25,000 and not more than \$25,500  
28 for each subsequent violation.

29           (b) Each day of a continuing violation of the requirements  
30 of Title 10, Government Code, related to contracting constitutes  
31 a separate violation for the civil penalty under this section.

32           (c) The three-judge district court that hears an action  
33 brought under Section 81.067 against the commission shall  
34 determine the amount of the civil penalty under this section.

1       (d) A civil penalty collected under this section shall be  
2 deposited to the credit of the general revenue fund.

3       (e) Governmental immunity of the commission to suit is  
4 waived and abolished to the extent of liability created by this  
5 section.

6       Sec. 81.069. CRIMINAL OFFENSE. (a) A commissioner or  
7 managerial or supervisory employee of the commission who, with  
8 the intent to harm or defraud another, violates the requirements  
9 of Title 10, Government Code, related to contracting commits an  
10 offense.

11       (b) An offense under this section is:

12               (1) a Class C misdemeanor if the value of the  
13 contract is less than \$100;

14               (2) a Class B misdemeanor if the value of the  
15 contract is \$100 or more but less than \$750;

16               (3) a Class A misdemeanor if the value of the  
17 contract is \$750 or more but less than \$2,500;

18               (4) a state jail felony if the value of the contract  
19 is \$2,500 or more but less than \$30,000;

20               (5) a felony of the third degree if the value of the  
21 contract is \$30,000 or more but less than \$150,000;

22               (6) a felony of the second degree if the value of the  
23 contract is \$150,000 or more but less than \$300,000; or

24               (7) a felony of the first degree if the value of the  
25 contract is \$300,000 or more.

26       (2) Add the following appropriately numbered SECTION to the  
27 bill and renumber subsequent SECTIONS accordingly:

28       SECTION \_\_\_\_\_. Section 22A.001(a), Government Code, is  
29 amended to read as follows:

30       (a) The attorney general may petition the chief justice of  
31 the supreme court to convene a special three-judge district  
32 court in any suit:

33               (1) filed in a district court in this state in which  
34 this state or a state officer or agency is a defendant in a  
35 claim that:

1                    (A) [~~1~~] challenges the finances or operations  
2 of this state's public school system; or

3                    (B) [~~2~~] involves the apportionment of  
4 districts for the house of representatives, the senate, the  
5 State Board of Education, or the United States Congress, or  
6 state judicial districts; or

7                    (2) involving an alleged violation the requirements  
8 of Title 10, Government Code, related to contracting by the  
9 Texas Railroad Commission.