

By: Birdwell

S.B. No. 612

A BILL TO BE ENTITLED

AN ACT

relating to complaints filed with the Texas Ethics Commission.

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

SECTION 1. Section 571.0771, Government Code, is amended by adding Subsection (d) to read as follows:

(d) Subsection (a) applies to a statement filed under Chapter 572 regardless of whether another person has filed a sworn complaint pertaining to the statement.

SECTION 2. Sections 571.124(c), (e), and (f), Government Code, are amended to read as follows:

(c) The commission [~~executive director~~] shall determine in writing whether the commission has jurisdiction over the violation of law alleged in a sworn complaint processed under Section 571.123.

(e) If the commission [~~executive director~~] determines that the commission has jurisdiction, the notice under Section 571.123(b) must include:

(1) a statement that the commission has jurisdiction over the violation of law alleged in the complaint;

(2) a statement of whether the complaint will be processed as a Category One violation or a Category Two violation, subject to reconsideration as provided for by Section 571.1212;

(3) the date by which the respondent is required to respond to the notice;

1 (4) a copy of the complaint and the rules of procedure  
2 of the commission;

3 (5) a statement of the rights of the respondent;

4 (6) a statement inviting the respondent to provide to  
5 the commission any information relevant to the complaint; and

6 (7) a statement that a failure to timely respond to the  
7 notice will be treated as a separate violation.

8 (f) If the commission [~~executive director~~] determines that  
9 the commission does not have jurisdiction over the violation  
10 alleged in the complaint, the commission [~~executive director~~]  
11 shall:

12 (1) dismiss the complaint; and

13 (2) not later than the fifth business day after the  
14 date of the dismissal, send to the complainant and the respondent  
15 written notice of the dismissal and the grounds for the dismissal.

16 SECTION 3. The heading to Section 571.1241, Government  
17 Code, is amended to read as follows:

18 Sec. 571.1241. REVIEW OF [~~EXECUTIVE DIRECTOR'S~~]  
19 DETERMINATION OF NO JURISDICTION.

20 SECTION 4. Sections 571.1241(a) and (b), Government Code,  
21 are amended to read as follows:

22 (a) The [~~If the executive director determines that the~~  
23 ~~commission does not have jurisdiction over the violation alleged in~~  
24 ~~the complaint, the~~] complainant or respondent may request that the  
25 commission review the commission's determination under Section  
26 571.124 of whether the commission has jurisdiction over the  
27 violation alleged in the complaint. A request for review under this

1 section must be filed not later than the 30th day after the date the  
2 complainant or respondent receives the commission's [~~executive~~  
3 ~~director's~~] determination. The commission must review the  
4 determination made under Section 571.124 and determine whether the  
5 commission made the correct determination not later than the 30th  
6 day after the commission receives the request for review under this  
7 subsection.

8 (b) The commission may reverse the commission's [~~executive~~  
9 ~~director's~~] determination under Section 571.124 only on the  
10 affirmative vote of at least six members.

11 SECTION 5. Section 571.125, Government Code, is amended by  
12 adding Subsection (f) to read as follows:

13 (f) Counsel for the respondent may subpoena a witness to a  
14 preliminary review hearing in the same manner as an attorney may  
15 issue a subpoena in a proceeding in a county or district court.

16 SECTION 6. Section 571.130, Government Code, is amended by  
17 adding Subsection (f) to read as follows:

18 (f) Counsel for the respondent may subpoena a witness to a  
19 formal hearing in the same manner as an attorney may issue a  
20 subpoena in a proceeding in a county or district court.

21 SECTION 7. Subchapter E, Chapter 571, Government Code, is  
22 amended by adding Section 571.1325 to read as follows:

23 Sec. 571.1325. TIME FOR FINAL RESOLUTION OF COMPLAINT. (a)  
24 The commission shall finally resolve a complaint alleging a  
25 Category One violation not later than the first anniversary of the  
26 date the complaint is filed.

27 (b) The commission shall finally resolve a complaint

1 alleging a Category Two violation not later than 18 months after the  
2 date the complaint is filed.

3           SECTION 8. The changes in law made by this Act to Chapter  
4 571, Government Code, apply only to the effect or resolution of a  
5 complaint filed under that chapter on or after the effective date of  
6 this Act. The effect or resolution of a complaint filed before the  
7 effective date of this Act is governed by the law in effect when the  
8 complaint was filed, and the former law is continued in effect for  
9 that purpose.

10           SECTION 9. This Act takes effect September 1, 2017.