

BILL ANALYSIS

Senate Research Center

H.B. 2826
By: Truitt (Brimer)
State Affairs
5/19/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Frivolous ethics allegations are frequently made at the beginning of political campaigns in order to create the "air" of corruption during the campaign. The Texas Ethics Commission (commission) is authorized to consider if an allegation is frivolous while the allegedly frivolous allegation is still pending. However, current law does not authorize the commission to accept jurisdiction over a new complaint that alleges a previously dismissed complaint was frivolous. H. B. 2826 allows the commission to accept such allegations and investigate whether previously dismissed complaints were frivolous.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 571.176, Government Code, by adding Subsection (c), to authorize a person to file a sworn complaint with the Texas Ethics Commission (commission), in accordance with Section 571.122 (Filing of Complaint; Contents), alleging that a complaint relating to that person filed with the commission is frivolous or brought in bad faith. Authorizes a complaint to be filed under this subsection without regard to whether the complaint alleged to be frivolous or brought in bad faith is pending before the commission or has been resolved. Requires the commission to act on a complaint made under this subsection as provided by Subchapter E (Complaint Procedures and Hearings).

SECTION 2. Effective date: upon passage or September 1, 2005.