

BILL ANALYSIS

Senate Research Center
81R15855 CAE-D

H.B. 3218
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Ethics Commission (TEC) requires complaints to be filed on a standardized form and requires the complainant to provide certain contact information for themselves and the respondent, including the person's name, address, and telephone number. Complaints filed with TEC are not required to be submitted on a standardized form by law, potentially creating a large amount of paperwork and inefficiency on the part of TEC in investigating claims.

Additionally, TEC is currently required to send a statement to the complainant if the complaint does not comply with the form requirements, within five days of the dismissal of the complaint. The respondent should also have the right to be notified of the rejection of a complaint against him or her, and not be burdened with the imposition of not knowing the outcome of a filed complaint.

H.B. 3218 relates to the filing of sworn complaints with TEC.

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 571.122(a), Government Code, as follows:

(a) Authorizes an individual to file with the Texas Ethics Commission (TEC) a sworn complaint alleging that a person subject to a law administered and enforced by TEC has violated a rule adopted by or a law administered and enforced by TEC. Requires that a sworn complaint be filed on a form prescribed by TEC. Requires TEC to make the complaint form available on the Internet. Requires that the form prescribed by TEC require the complainant to provide the certain information for both the complainant and the respondent including the person's name; the person's telephone number; the person's electronic mail address, if known; and the physical address of the person's home or business. Makes a nonsubstantive change.

SECTION 2. Amends Section 571.123(c), Government Code, as follows:

(c) Requires TEC, if TEC determines that the complaint does not comply with the form requirements, to 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. Requires TEC to send a copy of the rejected complaint to the respondent with the written notice and the statement explaining how the complaint fails to comply. Authorizes the complainant to resubmit the complaint not later than the 21st day after the date the notice under Subsection (b) (relating to TEC sending written notice to the complainant and the respondent) is mailed. Requires TEC, if TEC determines that the complaint is not resubmitted within the 21-day period, to dismiss the complaint and 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.

SECTION 3. Makes application of Section 571.122(a), Government Code, as amended by this Act, prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.