

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-24-09
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3012 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

J. Carona

Sen. John Carona

Bob Deuell

Sen. Bob Deuell

Robert Duncan

Sen. Robert Duncan

Leticia Van de Putte

Sen. Leticia Van de Putte

Zaffirini

On the part of the Senate

Sen. Judith Zaffirini

Matt Navarro

Rep. Matt Navarro

Abel Herrero

Rep. Abel Herrero

Jan Phillips

Rep. Jan Phillips

Diane Patrick

Rep. Diane Patrick

Terry May

On the part of the House

Rep. Terry May

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3218

A BILL TO BE ENTITLED

AN ACT

relating to the filing of sworn complaints with the Texas Ethics
Commission.

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

SECTION 1. Section 571.122, Government Code, is amended by
amending Subsection (a) and adding Subsection (b-1) to read as
follows:

(a) An individual may file with the commission a sworn
complaint [~~on a form prescribed by the commission~~] alleging that
a person subject to a law administered and enforced by the
commission has violated a rule adopted by or a law administered and
enforced by the commission. A sworn complaint must be filed on a
form prescribed by the commission. The commission shall make the
complaint form available on the Internet. The form prescribed by
the commission must require the complainant to provide the
following information for both the complainant and the respondent:

(1) the person's name;

(2) the person's telephone number;

(3) the person's electronic mail address, if known;

and

(4) the physical address of the person's home or
business.

(b-1) An individual must be a resident of this state to be
eligible to file a sworn complaint with the commission. A copy of

1 one of the following documents must be attached to the complaint:

2 (1) the complainant's driver's license or personal
3 identification certificate issued under Chapter 521,
4 Transportation Code, or commercial driver's license issued under
5 Chapter 522, Transportation Code; or

6 (2) a utility bill, bank statement, government check,
7 paycheck, or other government document that:

8 (A) shows the name and address of the
9 complainant; and

10 (B) is dated not more than 30 days before the date
11 on which the complaint is filed.

12 SECTION 2. Subchapter E, Chapter 571, Government Code, is
13 amended by adding Section 571.1221 to read as follows:

14 Sec. 571.1221. DISMISSAL OF COMPLAINT FILED AT DIRECTION OR
15 URGING OF NONRESIDENT. At any stage of a proceeding under this
16 subchapter, the commission shall dismiss the complaint if the
17 commission determines that the complaint was filed at the direction
18 or urging of a person who is not a resident of this state.

19 SECTION 3. Section 571.123(c), Government Code, is amended
20 to read as follows:

21 (c) If the commission determines that the complaint does not
22 comply with the form requirements, the commission shall send the
23 complaint to the complainant with the written notice, a statement
24 explaining how the complaint fails to comply, and a copy of the
25 rules for filing sworn complaints. The commission shall send a copy
26 of the rejected complaint to the respondent with the written notice
27 and the statement explaining how the complaint fails to comply. The

1 complainant may resubmit the complaint not later than the 21st day
2 after the date the notice under Subsection (b) is mailed. If the
3 commission determines that the complaint is not resubmitted within
4 the 21-day period, the commission shall:

5 (1) dismiss the complaint; and

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

9 SECTION 4. Section 571.122, Government Code, as amended by
10 this Act, and Section 571.1221, Government Code, as added by this
11 Act, apply only to a sworn complaint filed with the Texas Ethics
12 Commission on or after the effective date of this Act. A sworn
13 complaint filed with the Texas Ethics Commission before the
14 effective date of this Act is governed by the law in effect on the
15 date the complaint is filed, and the former law is continued in
16 effect for that purpose.

17 SECTION 5. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.

House Bill 3218
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Amends Section 571.122(a), Government Code, as follows:

(a) Specifies the information a complainant must provide in the form prescribed by the Texas Ethics Commission for a sworn complaint filed with the commission alleging that a person subject to a law administered and enforced by the commission has violated a rule adopted by or a law administered and enforced by the commission.

No equivalent provision.

No equivalent provision.

SENATE VERSION

SECTION 1. Amends Section 571.122(a) and adds (b-1) as follows:

Same as House version, except specifies that such a violation includes but is not limited to a violation of the provision added by this bill requiring a member of the legislature to report on the member's personal financial statement filed with the commission the identification and amount of any contract entered into during the period covered by the statement between the member, or a business entity in which the member has a substantial interest, and a state agency.

(b-1) Requires an individual to be a Texas resident to be eligible to file a sworn complaint with the commission and to require a copy of the individual's driver's license, commercial driver's license, or identification certificate issued by the Department of Public Safety, or a recent utility bill bank statement government check or other government identifying document to be attached to the complaint.

SECTION __. Adds Section 571.1221, Government Code, Dismissal of Complaint Filed at Direction or Urging of Nonresident, requiring the commission, at any stage of a proceeding involving a complaint filed with the commission to dismiss the complaint if the commission determines it was filed at the direction or urging of a person who is not a resident of Texas.

CONFERENCE

Same as Senate version.

Same as House version

Same as Senate version.

SECTION 2. Same as Senate version.

House Bill 3218
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SECTION 2. Section 571.123(c), Government Code, is amended.

No equivalent provision.

SECTION 3. Saving provision relating to Section 571.122, as amended above.

SECTION 4. Effective date.

SENATE VERSION

Same as House version.

SECTION __. Subchapter B, Chapter 572, Government Code, is amended by adding Section 572.0253, Report of Contract With State Agency.

Same as House version, except also applies the saving provision to Section 571.1221, as added above.

Same as House version.

CONFERENCE

SECTION 3. Same as House version.

Same as House version.

SECTION 4. Same as Senate version.

SECTION 5. Same as House version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives**

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3218 by Naishtat (Relating to the filing of sworn complaints with the Texas Ethics Commission.), Conference Committee Report

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code regarding the filing of sworn complaints with the Texas Ethics Commission. It is assumed that any additional cost associated with the implementation of the bill could be absorbed within existing state resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

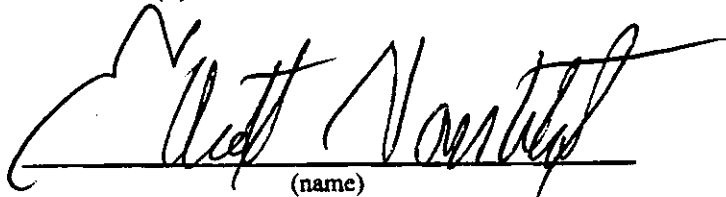
Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, SD, KJG, TP, JM

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 3218 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5-25-09
(date)