

SUBJECT: Eligibility for filing a sworn complaint with the Texas Ethics Commission

COMMITTEE: Elections — committee substitute recommended

VOTE: 7 ayes — L. Taylor, Hernandez Luna, Berman, Branch, Burkett, Farias,
P. King

1 nay — Veasey

1 absent — Isaac

WITNESSES: For — None

Against — None

On — Andy Wilson, Public Citizen; (*Registered, but did not testify*: David Reisman, Natalia Ashley, Texas Ethics Commission)

BACKGROUND: Government Code, ch. 571 governs the Texas Ethics Commission (TEC). Sec. 571.122 sets forth procedures and eligibility for filing complaints with the commission. Sec. 571.1221 requires the TEC to dismiss a complaint if the commission determines that the complaint was filed at the direction or urging of a person who is not a Texas resident.

Two subsections (b-1) of sec. 571.122 are numbered the same but are inconsistent in meaning and applicability. The “first” subsection number (b-1) was added by HB 3218 by Naishtat, 81st Legislature, and stipulates that to be eligible to file a sworn complaint with the commission, an individual must be a resident of this state. A complainant must provide a number of identifying documents.

The “second” subsection (b-1) was added by HB 677 by Hartnett, 81st Legislature, and stipulates that to be eligible to file a sworn complaint with the commission, an individual must be a resident of this state or must own real property in this state. A complainant must provide identifying documents, including a property tax bill, notices of appraised value, or other document that proves that the person owns the property.

DIGEST: CSHB 1036 would repeal sec. 571.122(b-1), as added by HB 677, 81st Legislature, which would eliminate the eligibility to file a complaint with the Texas Ethics Commission nonresidents who own property within the state.

The bill would take effect September 1, 2011.

SUPPORTERS SAY: The discrepancy in both of the sections has created confusion when dealing with the eligibility to file complaints. Removing one of the duplicate sections would clear up the confusion. The bill would not restrict residents of Texas, whether they owned property or not, from filing sworn complaints with the Texas Ethics Commission.

OPPONENTS SAY: Landowners who have a vested interest in the state should not be prohibited from filing complaints with the Texas Ethics Commission regardless of whether they are Texas residents.