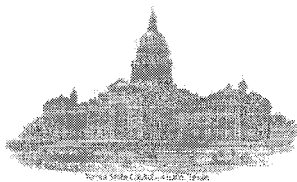


TEXAS HOUSE OF REPRESENTATIVES

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Norma Chávez

April 23, 2009

The Honorable Eliot Shapleigh
P.O. Box 12068
Austin, TX 78711

The Honorable Marisa Marquez
P.O. Box 2910
Austin, TX 78768

RE: SB 1368 / HB 2301- El Paso County Ethics Bill

Dear Senator Shapleigh and Representative Marquez:

Thank you for this opportunity to provide input into SB 1368 and HB 2301, the El Paso County Ethics Bills. I have worked with my staff over the past several days to provide you with an analysis that we hope will help you develop a stronger bill that will serve the citizens of El Paso County in having a transparent, accountable government.

I would first like to address your concerns that the El Paso County Ethics bill is not moving forward with sufficient speed to pass during the 81st Legislative Session. The Senate and House hearings were held on March 23, 2009. The timing of the hearings on these matters was unfortunate as I was concluding my responsibilities as a member of the Appropriations Committee and Stimulus Subcommittee, as well as dedicating a good amount of my Capitol resources to passing Tigua gambling legislation. In addition, we were laying out bills, as you have been. My first opportunity to thoroughly review the El Paso County Ethics bill was the weekend after the Appropriations Bill passed unanimously in the House, this past weekend.

Unfortunately, we have a difference of opinion regarding the process. I believe that we have ample time to pass a good ethics bill and I have great respect for the legislative body that we work within. It is the committee process and the respect by members of the process that helps us to review, amend and finally pass legislation. When lawmakers come together, we bring our best



District 76

Committees: Appropriations ★ Appropriations-S/C on Business & Economic Development ★ Appropriations-S/C Stimulus
Calendars ★ Defense & Veterans' Affairs

arguments forward. Sometimes we must reach a compromise in order to pass a good bill.

I have great trust and confidence in my staff. In fact, in order to better serve El Paso, I added John Kearney as General Counsel. I would like to express what a great job he has done for my office and on behalf of El Paso. In fact, you will be pleased to know that John is a graduate of the University of Notre Dame Law School, is an experienced prosecutor, and defense attorney.

We are pleased to present some issues for you and the County to review. A comprehensive analysis, broken down into four main categories containing approximately forty-three individual issues, some with multiple sub-issues, detailing the concerns and comments I have on each individual section of the legislation is attached. (Enclosure 1- State Representative Norma Chávez's Analysis and Questions Regarding Committee Substitute to HB 2301 and SB 1368 (El Paso County Ethics Bills)).

I am sure that a few of these may, ultimately, not be problems, but wanted you to be aware of my concerns. I also note that a few may have already been addressed by you or the County, but I have not seen any amendments prepared for SB 1368 or the Committee Substitute of HB 2301.

The four general areas of concern are:

- A. Constitutional Questions;
- B. Issues Regarding Definitions;
- C. Concerns Regarding the Formation of the Ethics Commission; and
- D. Procedural Issues Regarding the Complaints and Hearings.

Additionally, I have concerns regarding the following:

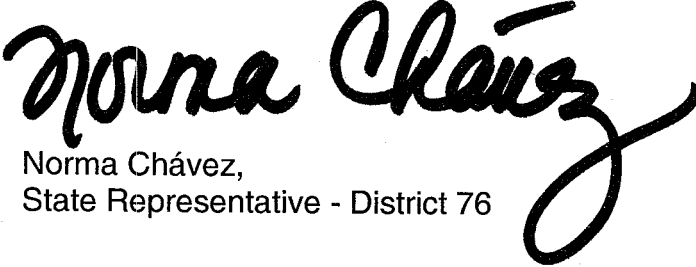
1. The many roles of the County Attorney in county administration and in serving the proposed Ethics Commission;
2. The concentration of power in the hands of one group with insufficient checks and balances on that power; and
3. The fact that the structure of the bill asks the legislature to grant broad, sweeping powers to an unknown, untested group.

Do not be discouraged if all amendments were not added into the bill in committee. The process still provides us with an opportunity to amend the bill on the floor. Because this important legislation has generated a great amount of interest in our community, I continue to leave our door open to remarks, criticisms and contributions from all stakeholders including Commissioners Court, El Paso Sherriff Officers Association, labor groups or employees at the county, and anyone else interested in this legislation.

My commitment to you is to work through the process and to provide input and recommendations so that we can move forward.

I look forward to receiving your response to these matters and working with you to find solutions. I will be happy to have my staff review any changes that you make to the current Committee Substitute of SB 1368 or CSHB 2301 if they are provided to us with sufficient time to do so.

Kindest regards,

A handwritten signature in black ink that reads "Norma Chávez". The signature is written in a cursive, flowing style with a large, decorative flourish at the end of the name.

Norma Chávez,
State Representative - District 76

- enclosures: 1. State Representative Norma Chávez's Policy Analysis and Questions Regarding Committee Substitute to HB 2301 and SB 1368.
2. HB 2301 Side By Side Analysis.

cc: El Paso Legislative Delegation
Chairman Garnet Coleman
El Paso County Commissioners Court
District Attorney Jaime Esparza
County Attorney Jose Rodriguez
David Aranda, President, Central Labor Union
El Paso Sherriff's Association Officers
American Federation of State, County Municipal Employees (AFSCME)