

BILL ANALYSIS

Senate Research Center
78R17508 ATP-D

H.B. 3096
By: Madden (Ellis, Rodney)
State Affairs
5/23/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Under current law, the Texas Ethics Commission (TEC) is authorized to fine a candidate who files a campaign contribution and expenditure report late. The Sunset Advisory Commission, in evaluating TEC, has suggested more severe penalties for failure to comply with the reporting requirements. H.B. 3096 increases the penalty for filing reports late 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 254.042(b), Election Code, as follows:

(b) Provides that if a report other than a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063 or 254.123 that is required to be filed following the general or primary election is determined to be late, the person required to file the report is liable to the state for a civil penalty of \$500, rather than an amount determined by TEC rule but not to exceed \$100 for each day that the report is late. Provides that if a report under Section 254.064(c), 254.124(c), or 254.154(c) or the first report under Section 254.063 or 254.123 that is required to be filed following the general or primary election is determined to be late, the person required to file the report is liable to the state for a civil penalty of \$500 for the first day the report is late and \$100 for each day thereafter that the report is late. Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No. 1:

(1) In SECTION 1 of the bill, in the recital (House engrossed version, page 1, line 6), strike “Section 254.042(b), Election Code, is amended” and substitute “Section 254.042, Election Code, is amended by amending Subsection (b) and adding Subsection (b-1)”.

(2) Between SECTIONS 1 and 2 of the bill, after amended Section 254.042(b), Election Code (House engrossed version, page 2, between lines 2 and 3), insert the following:

(b-1) A report is not considered to be late for purposes of Subsection (b) if:

(1) the report as originally filed substantially complies with this chapter.

and

(2) the person filing the report promptly files a corrected or amended report on learning that the report as originally filed is inaccurate or incomplete.