

By: McCall, Madden (Senate Sponsor - Harris) H.B. No. 2589
(In the Senate - Received from the House May 9, 2007;
May 10, 2007, read first time and referred to Committee on State
Affairs; May 15, 2007, reported favorably by the following vote:
Yeas 8, Nays 0; May 15, 2007, sent to printer.)

A BILL TO BE ENTITLED
AN ACT

relating to the imposition of a civil penalty in connection with a
self-corrected statement, registration, or report filed with the
Texas Ethics Commission.

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

SECTION 1. Section 571.0771, Government Code, is amended by
amending Subsections (a) and (b) and adding Subsection (c) to read
as follows:

(a) A statement, registration, or report required that is
filed with the commission is not considered to be late for purposes
of any applicable civil penalty for late filing of the statement,
registration, or report if:

(1) ~~[the statement, registration, or report as
originally filed substantially complies with the applicable law,~~

~~[(2)]~~ any error or omission in the statement,
registration, or report as originally filed was made in good faith;
and

~~(2) [(3) the person filing the statement,
registration, or report files a corrected or amended statement,
registration, or report]~~ not later than the 14th business day after
the date the person filing the statement, registration, or report
learns that the statement, registration, or report as originally
filed is inaccurate or incomplete, the person files:

(A) a corrected or amended statement,
registration, or report; and

(B) an affidavit stating that the error or
omission in the original statement, registration, or report was
made in good faith.

(b) Subsection (a) ~~[This section]~~ does not apply to:

(1) a penalty imposed under Section 571.069 or
Subchapter E or F; or

(2) a report required to be filed under Section
254.038, 254.039, 254.064(c), 254.124(c), or 254.154(c), Election
Code.

(c) A report required to be filed under Section 254.064(c),
254.124(c), or 254.154(c), Election Code, is not considered to be
late for purposes of any applicable civil penalty for late filing of
the report if:

(1) the report as originally filed substantially
complies with the applicable law, as determined by the commission;

(2) any error or omission in the report as originally
filed was made in good faith; and

(3) not later than the 14th business day after the date
the person filing the report learns that the report as originally
filed is inaccurate or incomplete, the person files:

(A) a corrected or amended report; and

(B) an affidavit stating that the error or
omission in the original report was made in good faith.

SECTION 2. Sections 571.0771(b-1) and (b-2), Government
Code, are repealed.

SECTION 3. Section 571.0771, Government Code, as amended by
this Act, applies only to a report, registration, or statement
required to be filed with the Texas Ethics Commission that is due on
or after September 1, 2007. A report, registration, or statement
required to be filed with the Texas Ethics Commission that is due
before September 1, 2007, is governed by the law in effect on the
date the report, registration, or statement is due, and the former
law is continued in effect for that purpose.

2-1 SECTION 4. This Act takes effect September 1, 2007.

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