

BILL ANALYSIS

Senate Research Center

H.B. 1290
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes a person to file a petition to appeal a final decision made by the Texas Ethics Commission (commission). However, without clarification, this statute may authorize any person to file a petition to appeal, regardless of involvement or lack thereof in the complaint.

Additionally, current law provides a civil penalty of \$500 for a person who fails to timely file certain reports. Such a fine may be unnecessary if the person files the report soon after the deadline.

H.B. 1290 authorizes only the respondent or the respondent's agent, rather than a person, to file a petition to appeal a final decision of the commission. Additionally, this bill prohibits the commission from issuing a fine if a person who fails to file a report on time files an amended or corrected report before notice is received.

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 Sections 571.133(a) and (b), Government Code, as follows:

- (a) Authorizes the respondent or the respondent's agent, rather than a person, to file a petition to appeal a final decision of the Texas Ethics Commission.
- (b) Requires the petition to be filed not later than the 30th business day after the date the respondent, rather than the person, received the decision.

SECTION 2. Amends Section 254.042, Election Code, by adding Subsection (d) to provide that a person is not liable for a penalty under Subsection (b) (regarding penalties for late reports in certain circumstances) if the person files the amended or corrected report before the person receives a notice under Subsection (a) (regarding determination by the commission of a late report).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.