

1-1 By: Zaffirini S.B. No. 1443
1-2 (In the Senate - Filed March 10, 2011; March 22, 2011, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 21, 2011, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the mailing of notices, decisions, and reports by the
1-9 Texas Ethics Commission.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Section 254.042, Election Code,
1-12 is amended to read as follows:

1-13 (b) If a report other than a report under Section
1-14 254.064(c), 254.124(c), or 254.154(c) or the first report under
1-15 Section 254.063, ~~[or] 254.123, or 254.153~~ that is required to be
1-16 filed following the primary or general election is determined to be
1-17 late, the person required to file the report is liable to the state
1-18 for a civil penalty of \$500. If a report under Section 254.064(c),
1-19 254.124(c), or 254.154(c) or the first report under Section
1-20 254.063, 254.123, or 254.153 that is required to be filed following
1-21 the primary or general election is determined to be late, the person
1-22 required to file the report is liable to the state for a civil
1-23 penalty of \$500 for the first day the report is late and \$100 for
1-24 each day thereafter that the report is late. If a report is more
1-25 than 30 days late, the commission shall issue a warning of liability
1-26 by certified ~~[registered]~~ mail to the person required to file the
1-27 report. If the penalty is not paid before the 10th day after the
1-28 date on which the warning is received, the person is liable for a
1-29 civil penalty in an amount determined by commission rule, but not to
1-30 exceed \$10,000.

1-31 SECTION 2. Section 571.032, Government Code, is amended to
1-32 read as follows:

1-33 Sec. 571.032. MAILING OF NOTICES, DECISIONS, AND REPORTS.

1-34 (a) ~~The [Except as provided by Subsection (b), each written~~
1-35 ~~notice, decision, and report required to be sent under this chapter~~
1-36 ~~shall be sent by registered or certified mail, restricted delivery,~~
1-37 ~~return receipt requested.~~

1-38 ~~[(b) After]~~ written notice under Section 571.123(b)
1-39 regarding the filing of a sworn complaint shall be [has been] sent
1-40 to a respondent by registered or certified mail, restricted
1-41 delivery, return receipt requested. ~~The [person in the manner~~
1-42 ~~required by Subsection (a), the]~~ commission may send the respondent
1-43 [person] any additional notices, decisions, or reports regarding
1-44 the complaint by regular mail [unless the person has notified the
1-45 commission to send all notices regarding the complaint by
1-46 registered or certified mail, restricted delivery, return receipt
1-47 requested].

1-48 (b) Any written notice, decision, or report required to be
1-49 sent under this chapter to a complainant may be sent by regular mail
1-50 or e-mail.

1-51 (c) Any notice regarding the status of a complaint required
1-52 to be sent under Section 571.1351(c) may be sent by e-mail.

1-53 SECTION 3. This Act takes effect September 1, 2011.

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