

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

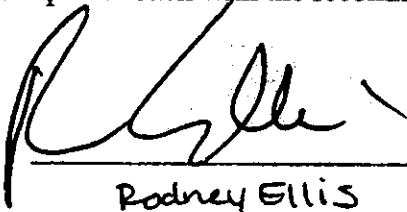
May 29, 2009  
Date

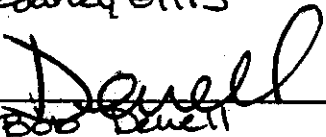
Honorable David Dewhurst  
President of the Senate

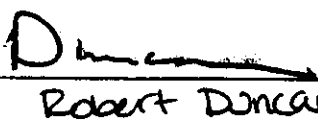
Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:


We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 756 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

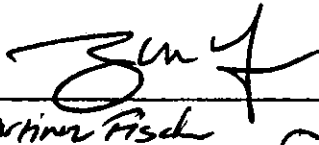
  
\_\_\_\_\_  
Rodney Ellis

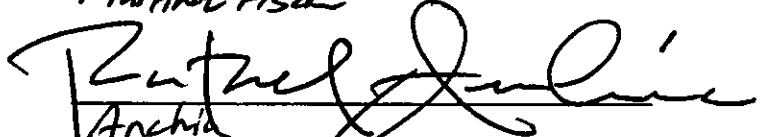
  
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Bob Bennett

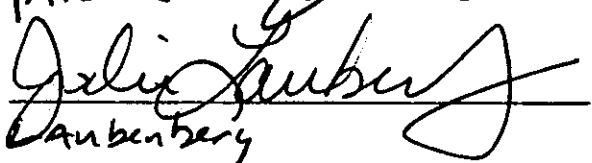
  
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Robert Duncan

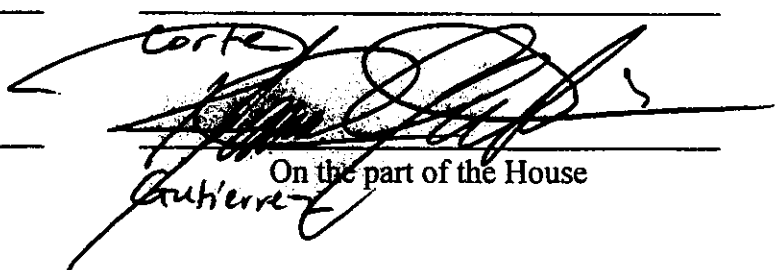
\_\_\_\_\_  
Jeff Wentworth

  
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On the part of the Senate  
Judith Zaffirini

  
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Martin Pasch

  
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Patricia Archia

  
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Julie Laubenberg

  
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Cortez Gutierrez  
On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 756

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the making or acceptance of political contributions in  
3 a building owned by or leased to the state.

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

5 SECTION 1. Section 253.039, Election Code, is amended by  
6 amending Subsections (a) and (b) and adding Subsections (e) <sup>and (f)</sup>  
7 ~~and (g)~~ to read as follows:

8 (a) A person may not knowingly make or authorize a political  
9 contribution while in a state office building ~~[the Capitol]~~ to:

- 10 (1) a candidate or officeholder;
- 11 (2) a political committee; or
- 12 (3) a person acting on behalf of a candidate,  
13 officeholder, or political committee.

14 (b) A candidate, officeholder, or political committee or a  
15 person acting on behalf of a candidate, officeholder, or political  
16 committee may not knowingly accept a political contribution, and  
17 shall refuse a political contribution that is received, in a state  
18 office building ~~[the Capitol]~~.

19 ~~Under Chapter 305, Government Code, has made an attempt to make~~  
20 ~~political contribution in a state office building, the commission~~  
21 ~~shall enter an order suspending the person's registration under~~  
22 ~~Section 305.005 for 180 days.~~

24 (1) If the commission determines

1 ~~mitted to be appointed as treasurer of the~~  
2 ~~state office building, the commission shall enter an order~~  
3 ~~suspending the committee's campaign treasurer appointment for 180~~  
4 ~~days.~~

5 (e) In this section, "state office building" means any  
6 building owned by the state or a building or office leased to the  
7 state for state purposes. The prohibitions prescribed by  
8 Subsections (a) and (b) apply only to the portion of the building  
9 used for state business.

10 SECTION 2. Section 253.039(c), Election Code, is repealed.

11 SECTION 3. (a) Section 253.039, Election Code, as amended  
12 by this Act, applies only to an offense committed on or after  
13 September 1, 2009. For purposes of this section, an offense is  
14 committed before the effective date of this Act if any element of  
15 the offense occurs before that date.

16 (b) An offense committed before September 1, 2009, is  
17 covered by the law in effect when the offense was committed, and the  
18 former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect September 1, 2009.

**House Bill 756**  
**Conference Committee Report**  
**Section-by-Section Analysis**

**HOUSE VERSION**

**SECTION 1.** Amends Section 253.039, Election Code, by amending Subsections (a) and (b) and adding Subsections (e), (f), and (g), as follows:

(a) Prohibits a person from knowingly make or authorizing a political contribution while in a state building, rather than the Capitol, to a candidate or officeholder; a political committee; or a person acting on behalf of a candidate, officeholder, or political committee.

(b) Makes a conforming change.

(e) Requires that the Texas Ethics Commission (TEC), if TEC determines that a person registered under Chapter 305 (Registration of Lobbyists), Government Code, has made or attempted to make a political contribution in a state building, enter an order suspending the person's registration under Section 305.005 (Registration) for 180 days.

(f) Requires that TEC, if TEC determines that a general-purpose committee has made or attempted to make a political contribution in a state building, enter an order suspending TEC's campaign treasurer appointment for 180 days.

(g) Defines "state building." Provides that the prohibition only applies to the portion of the building used for state business.

**SENATE VERSION**

**SECTION 1.** Amends Section 253.039, Election Code, by amending Subsections (a), (b), and (c) adding Subsection (e), as follows:

(a) Prohibits a person from knowingly making or authorizing a political contribution while in a state office building, rather than the Capitol, to a candidate or officeholder; a political committee; or a person acting on behalf of a candidate, officeholder, or political committee.

(b) Makes a conforming change.

(c) Provides that Subsections (a) and (b) apply to, rather than this section does not prohibit, contributions made in a state office building, rather than the Capitol, through the United States Postal Service or a common or contract carrier.

(e) Defines "state office building." Provides that the prohibitions prescribed by Subsections (a) and (b) apply only to the portion of the building used for state business.

**CONFERENCE**

**SECTION 1.** Amends Section 253.039, Election Code, by amending Subsections (a), (b), and (c) adding Subsection (e), as follows:

(a) Prohibits a person from knowingly making or authorizing a political contribution while in a state office building, rather than the Capitol, to a candidate or officeholder; a political committee; or a person acting on behalf of a candidate, officeholder, or political committee.

(b) Makes a conforming change.

(e) Defines "state office building." Provides that the prohibitions prescribed by Subsections (a) and (b) apply only to the portion of the building used for state business.

**SECTION 2. Repealer: Section 253.039(c) (relating the prohibitions of contributions made in the Capitol through the United States Postal Service or a common or contract carrier), Election Code.**

**SECTION 3. (a) Makes application of Section 253.039, Election Code, as amended by this Act, prospective.**

**(b) Provides that an offense committed before September 1, 2009, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.**

**SECTION 4. Effective date: September 1, 2009.**

**SECTION 2. (a) Makes application of Section 253.039, Election Code, as amended by this Act, prospective.**

**(b) Provides that an offense committed before September 1, 2009, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.**

**SECTION 3. Effective date: September 1, 2009.**

**SECTION 2. Same as House version.**

**SECTION 3. Same as House version.**

**SECTION 4. Same as House version.**

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB756** by Martinez Fischer (Relating to the making or acceptance of political contributions in a building owned by or leased to the state.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Election Code related to making a political contribution in certain office buildings owned or leased by the state. It is assumed that any additional cost associated with the implementation of the bill could be absorbed within existing state resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JOB, SZ, KJG, TP, JM