

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

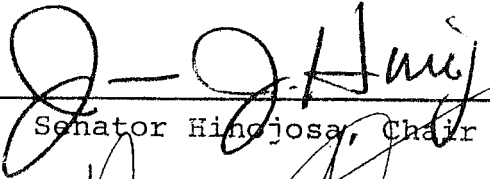
MAY 26, 2009
Date

Honorable David Dewhurst
President of the Senate

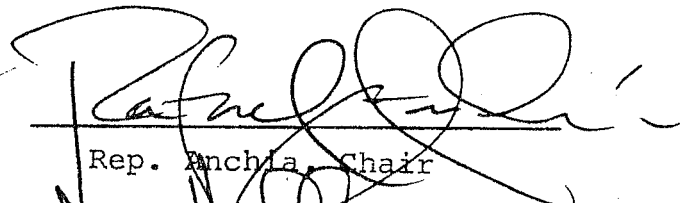
Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

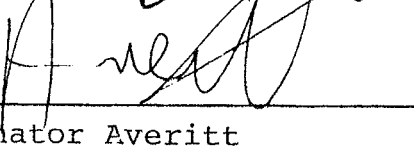
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 1152 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Senator Hinojosa, Chair



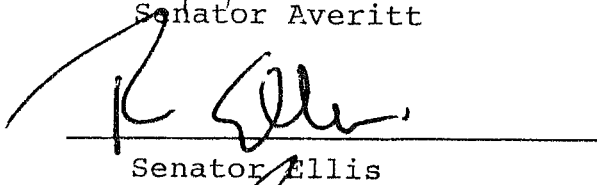
Rep. Anchia, Chair



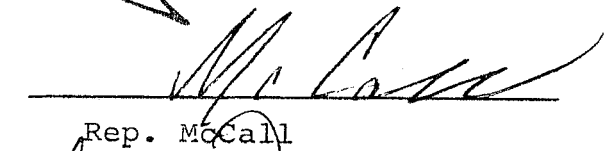
Senator Averitt



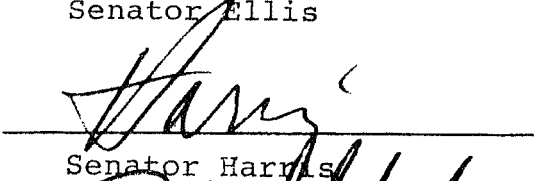
Rep. Heflin



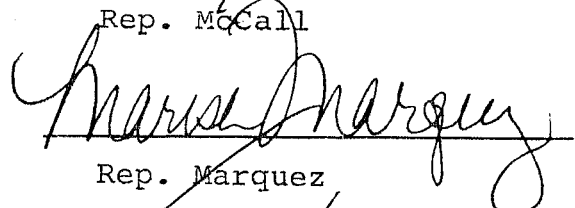
Senator Ellis



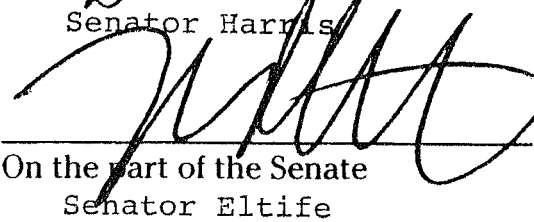
Rep. McCall



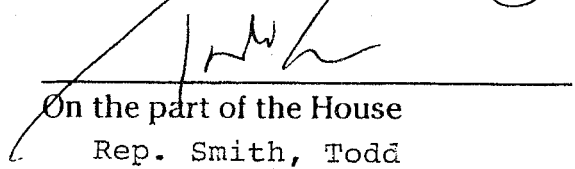
Senator Harris



Rep. Marquez



On the part of the Senate
Senator Eltife



On the part of the House
Rep. Smith, Todd

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

3rd Printing

S.B. No. 1152

A BILL TO BE ENTITLED

AN ACT

relating to the making or acceptance of political contributions in
a courthouse; providing penalties.

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

SECTION 1. Section 253.039, Election Code, is amended by
amending Subsections (a), (b), and (c) and adding Subsection (h)
to read as follows:

(a) A person may not knowingly make or authorize a political
contribution while in the Capitol or a courthouse to:

(1) a candidate or officeholder;

(2) a political committee; or

(3) a person acting on behalf of a candidate,
officeholder, or political committee.

(b) A candidate, officeholder, or political committee or a
person acting on behalf of a candidate, officeholder, or political
committee may not knowingly accept a political contribution, and
shall refuse a political contribution that is received, in the
Capitol or a courthouse.

(c) This section does not prohibit contributions made in the
Capitol or a courthouse through the United States postal service or
a common or contract carrier.

(h) In this section, "courthouse" means any building owned
by the state, a county, or a municipality, or an office or part of a
building leased to the state, a county, or a municipality, in which

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1 a justice or judge sits to conduct court proceedings.

2 SECTION 2. This Act takes effect September 1, 2009.

Senate Bill 1152
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 253.039, Election Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (h) as follows:

(a) Prohibits a person from knowingly making or authorizing a political contribution while in a courthouse to a candidate, officeholder, a political committee or to a person acting on behalf of a candidate, officeholder, or political committee.

(b) Designates a courthouse, in addition to the Capitol, as a place in which it is prohibited for a candidate, officeholder, or political committee or a person acting on behalf of a candidate, officeholder, or political committee to knowingly accept a political contribution and in which such a person or entity is required to refuse a political contribution that is received.

(c)

(h) Defines "courthouse" to mean any building owned *or occupied* by the state, a county, or a municipality, including a building or office leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings.

HOUSE VERSION

SECTION 1. Section 253.039, Election Code, is amended by amending Subsection (c) and adding Subsections (a-1), (b-1), and (h) as follows:

(a-1) Similar to the Senate version, except specifies that the prohibited political contributions are those made to a candidate for or officeholder of certain judicial positions; a specific-purpose committee supporting or opposing such a candidate or officeholder, including a justice of the peace or justice of the peace candidate; or a person acting on behalf of such a candidate or officeholder. Omits the Capitol as a place where such contributions are prohibited.

(b-1) Similar to the Senate version, except prohibits a person described by Subsection (a-1) from knowingly accepting a political contribution, and requires the person to refuse a political contribution that is received, in a courthouse.

(c) Same as Senate version.

(h) Defines "courthouse" to mean any building owned by the state, a county, or a municipality, or an office or *part of* a building leased to the state, a county, or a municipality, in which a justice or judge sits to conduct court proceedings.

CONFERENCE

SECTION 1. Same as Senate version except as follows:

(a) Same as Senate version.

(b) Same as Senate version.

(c) Same as Senate version.

(h) Same as House version.

Senate Bill 1152
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 2. Effective date.

HOUSE VERSION

SECTION 2. Same as Senate version.

CONFERENCE

SECTION 2. Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 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: SB1152 by Hinojosa (Relating to the making or acceptance of political contributions in a courthouse; providing penalties.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code to add a courthouse to the locations where a person may not knowingly make or authorize or accept a political contribution to a candidate or officeholder, a political committee, or a person acting on behalf of one of those persons. An offense is a Class A misdemeanor.

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution, and confinement could be absorbed within existing resources. Revenue gain from fines imposed and collected would not have a significant fiscal implication.

Local Government Impact

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

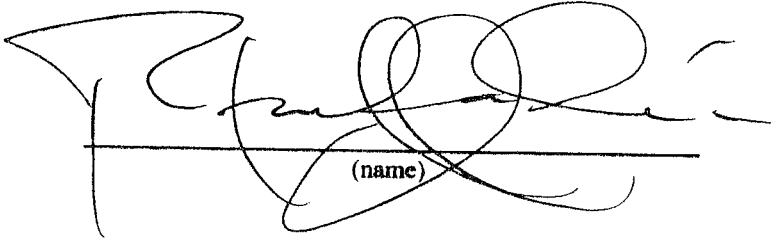
Source Agencies:

LBB Staff: JOB, SD, KJG, DB

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on S. B. 452 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5/26/09

(date)