

1-1 By: Gallego (Senate Sponsor - Duncan) H.B. No. 2065
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 4, 2009, read first time and referred to Committee on State
1-4 Affairs; May 11, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 11, 2009, sent to printer.)

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

1-8 relating to the applicability of the moratoriums on the acceptance
1-9 of certain political contributions and caucus contributions to
1-10 contributions delivered by common or contract carrier.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 253.034(b), Election Code, is amended to
1-13 read as follows:

1-14 (b) A statewide officeholder, a member of the legislature,
1-15 or a specific-purpose committee for supporting, opposing, or
1-16 assisting a statewide officeholder or member of the legislature may
1-17 not knowingly accept a political contribution, and shall refuse a
1-18 political contribution that is received, during the period
1-19 prescribed by Subsection (a). A political contribution that is
1-20 received and refused during that period shall be returned to the
1-21 contributor not later than the 30th day after the date of receipt.
1-22 A contribution made by United States mail or by common or contract
1-23 carrier is not considered received during that period if it was
1-24 properly addressed and placed with postage or carrier charges
1-25 prepaid or prearranged [~~and properly addressed~~] in the [~~United~~
1-26 ~~States~~] mail or delivered to the contract carrier before the
1-27 beginning of the period. The date indicated by the post office
1-28 cancellation mark or the common or contract carrier documents is
1-29 considered to be the date the contribution was placed in the mail or
1-30 delivered to the common or contract carrier unless proven
1-31 otherwise.

1-32 SECTION 2. Section 253.0341(b), Election Code, is amended
1-33 to read as follows:

1-34 (b) A legislative caucus may not knowingly accept from a
1-35 nonmember a contribution, and shall refuse a contribution from a
1-36 nonmember that is received, during the period prescribed by
1-37 Subsection (a). A contribution that is received and refused during
1-38 that period shall be returned to the contributor not later than the
1-39 30th day after the date of receipt. A contribution made by United
1-40 States mail or by common or contract carrier is not considered
1-41 received during that period if it was properly addressed and placed
1-42 with postage or carrier charges prepaid or prearranged [~~and~~
1-43 ~~properly addressed~~] in the [~~United States~~] mail or delivered to the
1-44 contract carrier before the beginning of the period. The date
1-45 indicated by the post office cancellation mark or the common or
1-46 contract carrier documents is considered to be the date the
1-47 contribution was placed in the mail or delivered to the common or
1-48 contract carrier unless proven otherwise.

1-49 SECTION 3. (a) The change in law made by this Act applies
1-50 only to an offense committed on or after September 1, 2009. For
1-51 purposes of this section, an offense is committed before that date
1-52 if any element of the offense occurs before that date.

1-53 (b) An offense committed before September 1, 2009, is
1-54 covered by the law in effect when the offense was committed, and the
1-55 former law is continued in effect for that purpose.

1-56 SECTION 4. This Act takes effect September 1, 2009.

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