

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Martinez Fischer

H.B. No. 756

A BILL TO BE ENTITLED

AN ACT

relating to the making or acceptance of political contributions in  
a building owned by or leased to the state.

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

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

(a) A person may not knowingly make or authorize a political  
contribution while in a state building [~~the Capitol~~] 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 a state  
building [~~the Capitol~~].

(e) If the commission determines that a person registered  
under Chapter 305, Government Code, has made or attempted to make a  
political contribution in a state building, the commission shall  
enter an order suspending the person's registration under Section  
305.005 for 180 days.

(f) If the commission determines that a general-purpose

1 committee has made or attempted to make a political contribution in  
2 a state building, the commission shall enter an order suspending  
3 the committee's campaign treasurer appointment for 180 days.

4 (g) In this section, "state building" means any building  
5 owned or occupied by the state, including a building or office  
6 leased to the state for state purposes, that is used by a state  
7 officer or state agency. The prohibition only applies to the  
8 portion of the building used for state business.

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 Section 253.039(c), Election Code, is repealed.

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

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

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

ADOPTED

MAY 25 2009

By: Ellis

Secretary of the Senate H. B. No. 756

Substitute the following for \_\_\_\_B. No. \_\_\_\_:

By: Letitia Vandekatte

C.S. \_\_\_\_B. No. \_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the making or acceptance of political contributions in  
3 certain office buildings 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), (b), and (c) and adding Subsection (e) to  
7 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 (c) Subsections (a) and (b) apply to [~~This section does not~~  
20 ~~prohibit~~] contributions made in a state office building [~~the~~  
21 ~~Capitol~~] through the United States Postal Service or a common or  
22 contract carrier.

23 (e) In this section, "state office building" means any  
24 building owned or occupied by the state, including a building or

1 portion of a building leased to the state for state purposes, in  
2 which an elected state officer maintains an office. The  
3 prohibitions prescribed by Subsections (a) and (b) apply only to  
4 the portion of the building used for state business.

5       SECTION 2. (a) Section 253.039, Election Code, as amended  
6 by this Act, applies only to an offense committed on or after  
7 September 1, 2009. For purposes of this section, an offense is  
8 committed before the effective date of this Act if any element of  
9 the offense occurs before that date.

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

13       SECTION 3. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**May 28, 2009**

**TO:** 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 certain office buildings owned by or leased to the state.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**May 22, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**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 certain office buildings owned by or leased to the state.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

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, KJG, TP, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**May 20, 2009**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**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.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Election Code related to making a political contribution in a building 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, KJG, TP, JM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**April 30, 2009**

**TO:** Honorable Todd Smith, Chair, House Committee on Elections

**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.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Election Code related to making a political contribution in a building 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, TP, JM



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

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

**April 13, 2009**

**TO:** Honorable Todd Smith, Chair, House Committee on Elections

**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.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Election Code related to making a political contribution in a building 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, TP, JM