Amend **HB 18** (house committee report) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 301, Government Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. PROHIBITED ACTIONS DURING IMPEDING ABSENCE

Sec. 301.101. DEFINITIONS. In this subchapter:

(1) "Impeding absence" means an unexcused absence by a member of either house of the legislature during a legislative session in which the member is at a location outside of this state for purposes of impeding the actions of the member's house if:

(A) the member's house has:

(i) compelled the attendance of absent members under Section 10, Article III, Texas Constitution;

(ii) ordered the house's sergeant-at-arms to arrest absent members; and

(iii) issued civil warrants of arrest for the absent members;

(B) the member has not:

(i) been granted a leave of absence by the member's house; or

(ii) returned to the member's house; and

(C) the member:

(i) is not physically present in this state; and

(ii) has indicated by word or deed that the member is not present in this state.

(2) "Political contribution," "political expenditure," and "specific-purpose committee" have the meanings assigned by Section 251.001, Election Code.

Sec. 301.102. EXERCISE OF RULEMAKING POWER. This subchapter is enacted by the legislature as an exercise of the rulemaking power granted to each house of the legislature under Sections 10 and 11, Article III, Texas Constitution.

Sec. 301.103. PROHIBITED ACCEPTANCE OF POLITICAL CONTRIBUTIONS AND MAKING OF POLITICAL EXPENDITURES. Notwithstanding any other law, a member of the legislature or a specific-purpose committee supporting or assisting the member

during an impeding absence may not knowingly:

(1) accept political contributions, and shall refuse any political contributions received, that in the aggregate from a single person exceed the per diem set by the Texas Ethics Commission for each day of a regular or special legislative session under Section 24a(e), Article III, Texas Constitution; or

(2) make a political expenditure for travel, food, or lodging expenses in connection with the member's impeding absence.

Sec. 301.104. REQUIRED RETURN OF PROHIBITED POLITICAL CONTRIBUTIONS. (a) A member of the legislature or a specific-purpose committee supporting or assisting the member that receives and refuses a political contribution or contributions in violation of this subchapter during the member's impeding absence shall return the contribution or contributions to the contributor not later than the fifth day after the date of receipt.

(b) A political contribution made by United States mail or by common or contract carrier is not considered received during an impeding absence if the contribution was properly addressed and placed with postage or carrier charges prepaid or prearranged in the mail or delivered to the contract carrier before the beginning of the absence. The date indicated by the post office cancellation mark or the common or contract carrier documents is considered to be the date the contribution was placed in the mail or delivered to the common or contract carrier unless proven otherwise.

Sec. 301.105. CIVIL PENALTY. In accordance with the procedure provided by this subchapter, a person who accepts a political contribution or makes a political expenditure in violation of this subchapter is subject to a civil penalty in an amount not to exceed $5,000. For purposes of this section, each contribution accepted and each expenditure made in violation of this subchapter is a separate violation.

Sec. 301.106. CIVIL PENALTY: STATEMENT OF FACTS TO PRESIDING OFFICER OF APPLICABLE LEGISLATIVE CHAMBER; CERTIFICATION TO DISTRICT COURT. (a) If a person accepts a political contribution or makes a political expenditure in violation of this subchapter, a statement of facts that, if true, makes a prima facie showing that a violation of this subchapter likely occurred may be

reported to and filed with the president of the senate or speaker of the house of representatives by any member of the same house of the legislature as the absent member.

(b) If the president of the senate or speaker of the house of representatives receives a statement of facts described by Subsection (a), the president or speaker shall certify the statement of facts under the seal of the senate or house of representatives, as appropriate, to the district court for the county in which the person resided at the time of the violation. The person's residence is determined in accordance with Section 15.002, Civil Practice and Remedies Code, except that if a person is a member of the legislature, that person's residence is determined based on the county in which the person claims a residence homestead under Chapter 41, Property Code.

Sec. 301.107. CIVIL PENALTY: DISTRICT COURT DUTIES. (a) The district court to which a statement of facts is certified under Section 301.106(b) shall, not later than 72 hours after the court receives the statement and without any intervention, pleading, or motion, enter an order that:

(1) provides a person who is the subject of the statement notice of the allegations; and

(2) directs the person to show cause why the conduct in which the person is alleged to have engaged does not constitute a violation of this subchapter.

(b) After a hearing at which the house of the legislature that originated a statement of facts certified under Section 301.106(b) and the person who is the subject of the statement are heard, the district court shall:

(1) determine whether the person accepted a political contribution or made a political expenditure in violation of this subchapter; and

(2) if the court determines that a violation occurred, impose a civil penalty under Section 301.105.

Sec. 301.108. CIVIL PENALTY: APPEAL AND PROHIBITED CONTINUANCE. (a) The Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over a matter arising out of or related to a proceeding under this subchapter.

(b) Section 30.003, Civil Practice and Remedies Code, does not apply to a proceeding under this subchapter.

SECTION 2. Subchapter G, Chapter 301, Government Code, as added by this Act, applies only to a political contribution accepted or a political expenditure made on or after the effective date of this Act.

SECTION 3. This Act takes effect on the 91st day after the last day of the legislative session.