

## **BILL ANALYSIS**

Senate Research Center  
87R2270 ESH-D

H.B. 1997  
By: McCall (Duncan)  
State Affairs  
5/12/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In the late 1980s, the Texas Legislature enacted legislation prohibiting political contributions during a regular legislative session. At the time that law was passed, no similar prohibition on special session contributions was added to the statutes. Extending the prohibition to include special sessions prevents any appearance of impropriety or the impression of such contributions being used to influence legislation.

H.B. 1997 prohibits a person from knowingly making a political contribution, from the time a special session has been called until the date of final adjournment, to a statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide office holder or member of the legislature. The bill prohibits the officeholder, member, or committee from accepting a political contribution during that period and requires the individual or committee to refuse any political contribution received.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 253.034, Election Code, by adding Subsections (a-1), (b-1), and (c-1) and amending Subsections (b) and (c) as follows:

(a-1) Prohibits a person, during the period beginning on the date the governor signs the proclamation calling a special legislative session and continuing through the date of final adjournment, from knowingly making a political contribution to a statewide officeholder; a member of the legislature; or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature.

(b) Prohibits a statewide officeholder, a member of the legislature, or a specific-purpose committee for supporting, opposing, or assisting a statewide officeholder or member of the legislature from knowingly accepting a political contribution, and is required to refuse a political contribution that is received, during the period prescribed by Subsection (a) (relating to prohibiting a person from knowingly making a political contribution to certain state elected officials or a certain specific-purpose committee during a certain period of time) or (a-1).

(b-1) Provides that a contribution made by mail is not considered received during the period prescribed by Subsection (a) or (a-1) if it was placed with postage prepaid and properly addressed in the United States mail before the beginning of the period. Makes nonsubstantive changes.

(c) Makes conforming and nonsubstantive changes.

(c-1) Provides that Subsection (a) does not apply to a political contribution that was made and accepted with the intent that it be used by a person who holds a state office or a member of the legislature if the person or member was defeated at the general election held immediately before the session is convened or by a specific-purpose political

committee that supports or assists only that person or member. Makes a nonsubstantive change.

SECTION 2. Amends the heading to Section 253.034, Election Code, to read as follows:

Sec. 253.034. RESTRICTIONS ON CONTRIBUTIONS BEFORE, DURING, AND FOLLOWING LEGISLATIVE SESSION.

SECTION 3. Amends Section 571.073, Government Code, to delete existing text related to requiring the report to include a political contribution and expenditure reports required to be filed under Section 254.0391 (Report During Special Legislative Session), Election Code.

SECTION 4. Repealer: Section 254.0391 (Report During Special Legislative Session), Election Code.

SECTION 5. (a) Makes application of Section 253.034, Election Code, as amended by this Act prospective.

(b) Makes application of the repeal of Section 254.0391, Election Code, prospective.

SECTION 6. Effective date: upon passage or September 1, 2009.