

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 26, 2023  
Date

Honorable Dan Patrick  
President of the Senate

Honorable Dade Phelan  
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 House Bill 3372 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.

Tom Parker  
Parker

Al Campbell  
Campbell

Brandon Creighton  
Creighton

Boyer Hughes  
Hughes

Zaffirini  
On the part of the Senate  
Zaffirini

Kronde Thimesch  
Thimesch

S. Capristone  
Capristone

Goldman  
Goldman

X. Shelby Slawson  
Slawson

E. Morales  
On the part of the House  
E. Morales

### 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.

Received May 27, 2023 at 2:40pm



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 3372

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of political contributions, including in-kind contributions, and expenditures made using a credit card.

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

SECTION 1. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.044 to read as follows:

Sec. 254.044. REPORTING OF POLITICAL CONTRIBUTIONS AND EXPENDITURES MADE USING CREDIT CARD. (a) A candidate or officeholder who accepts a political contribution made using a credit card shall:

(1) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount:

(A) report as a political contribution the full amount, including the deducted amount; and

(B) report as a political expenditure the deducted amount; and

(2) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount, report only as a political contribution the full amount the candidate or officeholder accepts, not including the amount paid in excess of the political contribution amount.

(b) A candidate or officeholder who accepts a political

1 contribution described by Subsection (a)(2) is not required to  
2 report the excess amount paid as a processing fee by the person  
3 making the political contribution.

4 SECTION 2. Section 254.044, Election Code, as added by this  
5 Act, applies only to a report of political contributions and  
6 expenditures under Chapter 254, Election Code, that is required to  
7 be filed on or after January 1, 2024.

8 SECTION 3. This Act takes effect September 1, 2023.

**House Bill 3372**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.044 to read as follows:

Sec. 254.044. REPORTING OF POLITICAL CONTRIBUTIONS AND EXPENDITURES MADE USING CREDIT CARD.

(a) A candidate or officeholder who accepts a political contribution made using a credit card shall:

(1) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount:

(A) report as a political contribution the full amount, including the deducted amount; and

(B) report as a political expenditure the deducted amount; and

(2) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount:

(A) report as a political contribution the full amount, **not including** the amount paid in excess of the political contribution amount; and

**(B) report as an in-kind contribution the amount paid in excess of the political contribution amount.**

(b) Notwithstanding any other provision of this chapter and for purposes of reporting in-kind contributions under Subsection (a)(2)(B), a candidate or officeholder may aggregate those in-kind contributions for the reporting period during which the in-kind contributions are accepted.

SENATE VERSION (IE)

SECTION 1. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.044 to read as follows:

Sec. 254.044. REPORTING OF POLITICAL CONTRIBUTIONS AND EXPENDITURES MADE USING CREDIT CARD.

(a) A candidate or officeholder who accepts a political contribution made using a credit card shall:

(1) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount:

(A) report as a political contribution the full amount, including the deducted amount; and

(B) report as a political expenditure the deducted amount; and

(2) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount,

report as a political contribution the full amount, **including** the amount paid in excess of the political contribution amount.

*No equivalent provision.*

CONFERENCE

SECTION 1. Subchapter B, Chapter 254, Election Code, is amended by adding Section 254.044 to read as follows:

Sec. 254.044. REPORTING OF POLITICAL CONTRIBUTIONS AND EXPENDITURES MADE USING CREDIT CARD.

(a) A candidate or officeholder who accepts a political contribution made using a credit card shall:

(1) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount:

(A) report as a political contribution the full amount, including the deducted amount; and

(B) report as a political expenditure the deducted amount; and

(2) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount,

report **only** as a political contribution the full amount **the candidate or officeholder accepts, not including** the amount paid in excess of the political contribution amount.

Same as Senate version.

**House Bill 3372**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

*No equivalent provision.*

(b) *The commission may not require* a candidate or officeholder who accepts a political contribution described by Subsection (a)(2) to report *as a political expenditure* the excess amount paid as a processing fee by the person making the political contribution. [FA1]

(b) A candidate or officeholder who accepts a political contribution described by Subsection (a)(2) *is not required* to report the excess amount paid as a processing fee by the person making the political contribution.

SECTION 2. Transition provision.

SECTION 2. Same as House version.

SECTION 2. Same as House version.

SECTION 3. This Act takes effect September 1, 2023.

SECTION 3. Same as House version.

SECTION 3. Same as House version.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 27, 2023**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB3372** by Thimesch (Relating to the reporting of political contributions, including in-kind contributions, and expenditures made using a credit card.), **Conference Committee Report**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

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

**Source Agencies:** 356 Texas Ethics Commission

**LBB Staff:** JMc, MOc, CMA, SMAT, GP, LCO

**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 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 Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on HB 3372 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Kenneth Thimel  
(Signature)

May 27, 2003  
(Date)