

BILL ANALYSIS

Senate Research Center
78R11886 ESH-F

H.B. 3149
By: Wilson (Harris)
Administration
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Engrossed

DIGEST AND PURPOSE

As enacted by the Texas Legislature in 2001, certain provisions of the Government Code that are intended to govern conflicts of interest for registrants under the Lobby Act are patterned after the State Bar of Texas Disciplinary Rule of Professional Conduct, which governs conflicts of interest for attorneys. For some, however, these provisions have not resulted in clear guidance for lobbyists or for the Texas Ethics Commission, the state agency charged with the Lobby Act's enforcement. H.B. 3149 clarifies certain conflict of interest provisions for registrants under the Lobby Act.

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 Sections 305.028(a), (b), (c), and (f), Government Code, as follows:

- (a) Defines "client," "matter," and "person associated with the registrant" or "other associated person."
- (b) Prohibits a registrant, except as permitted by Subsection (c), from representing a client, rather than opposing parties, in communicating directly with a member of the legislative or executive branch to influence legislative subject matter, rather than the same legislation, or administrative action if the representation of that client, rather than person, concerns certain matters.
- (c) Authorizes a registrant to represent a client in the circumstances described in Subsection (b), rather than (a), if certain criteria exists.
- (f) Requires a registrant, in each report filed with the Texas Ethics Commission, to, under oath, affirm that the registrant has, to the best of the registrant's knowledge, complied with this section.

SECTION 2. Repealer: Section 305.031(c) (Criminal Penalties), Government Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.