

By: Wilson

H.B. No. 3149

A BILL TO BE ENTITLED

1

AN ACT

2 relating to conflicts of interest involving lobbyists.

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

4 SECTION 1. Sections 305.028(a), (b), (c), and (f),
5 Government Code, are amended to read as follows:

6 (a) In this section:

7 (1) "Client" means a person or entity for which the
8 registrant is registered or is required to be registered.

9 (2) "Matter" means the subject matters for which a
10 registrant has been reimbursed, retained, or employed to
11 communicate directly with a member of the legislative or executive
12 branch.

13 (3) "Person associated with the registrant" or "other
14 associated person" means a partner or other person professionally
15 associated with the registrant through a common business entity,
16 other than a client, that reimburses, retains, or employs the
17 registrant.

18 (b) Except as permitted by Subsection (c), a registrant may
19 not represent a client [opposing parties] in communicating directly
20 with a member of the legislative or executive branch to influence
21 legislative subject matter [the same legislation] or
22 administrative action[-

23 ~~[(b) Except as permitted by Subsection (c), a registrant may~~
24 ~~not represent a person in communicating directly with a member of~~

1 ~~the legislative or executive branch to influence legislation or~~
2 ~~administrative action]~~ if the representation of that client
3 ~~[person]~~:

4 (1) involves a substantially related matter in which
5 that client's ~~[person's]~~ interests are materially and directly
6 adverse to the interests of:

7 (A) another client of the registrant;

8 (B) an employer or concern employing the
9 registrant; or

10 (C) another client of a ~~[partner or other]~~ person
11 associated with the registrant; or

12 (2) reasonably appears to be ~~[or potentially be]~~
13 adversely limited by:

14 (A) the registrant's, the employer's or
15 concern's, or the ~~[partner's or]~~ other associated person's
16 responsibilities to another client ~~[or to a third person]~~; or

17 (B) the registrant's, employer's or concern's, or
18 ~~[partner's or]~~ other associated person's own interests.

19 (c) A registrant may represent a client in the circumstances
20 described in Subsection ~~[(a) or]~~ (b) if:

21 (1) the registrant reasonably believes the
22 representation of each client will not be materially affected;

23 (2) not later than the second business day after the
24 date the registrant becomes aware of a ~~[an actual or potential]~~
25 conflict described by Subsection ~~[(a) or]~~ (b), the registrant
26 provides written notice, in the manner required by the commission,
27 to each affected ~~[or potentially affected]~~ client; and

1 (3) not later than the 10th day after the date the
2 registrant becomes aware of a [~~an actual or potential~~] conflict
3 described by Subsection [~~(a) or~~] (b), the registrant files with the
4 commission a statement that:

5 (A) indicates [~~indicating~~] that there is a [~~an~~
6 ~~actual or potential~~] conflict;

7 (B) states [~~and~~] that the registrant has notified
8 each affected [~~or potentially affected~~] client as required by
9 Subdivision (2); and

10 (C) states the name and address of each affected
11 client.

12 (f) In each report filed with the commission, a registrant
13 shall, under oath, affirm that the registrant has, to the best of
14 the registrant's knowledge, complied with this section.

15 SECTION 2. Section 305.031(c), Government Code, is
16 repealed.

17 SECTION 3. Section 305.028, Government Code, as amended by
18 this Act, applies only to a conflict of interest that arises on or
19 after September 1, 2003. A conflict of interest that arises before
20 September 1, 2003, is covered by the law in effect when the conflict
21 arose, and the former law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2003.