

BILL ANALYSIS

Senate Research Center
79R11187 DLF-D

H.B. 2202
By: Hughes (Harris)
State Affairs
5/5/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Section 305.028, Government Code, was adopted in 2001 and is designed to give individuals registered as lobbyists with the Texas Ethics Commission and their legislative clients a process by which conflicts of interest can be identified, evaluated and properly disclosed. Under the current law, the registrant must provide written notice of the conflict in the manner required by the commission to the affected clients and the commission. There is no provision in the law for obtaining the permission of an waiver from clients of a conflict should the lobbyist reasonably believe that the representation of each client would be materially affected. This legislation addresses that circumstance and provides a mechanism for proceeding with the conflicting representations when the client affirmatively waives the conflict. This provision is similar to the provision for legal conflict of interest resolution by attorneys under the Texas Disciplinary Rules of Professional Conflict.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Ethics Commission in SECTION 1 (Section 305.028, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 305.028, Government Code, by amending Subsection (b) and adding Subsections (c-1) and (k), as follows:

(b) Makes a conforming change.

(c-1) Authorizes a registrant to represent a client in the circumstances described in Subsection (b) without regard to whether the registrant reasonably believes the representation of each client will be materially affected under certain conditions.

(k) Authorizes the Texas Ethics Commission to adopt rules to implement this section consistent with this chapter, the Texas Disciplinary Rules of Professional Conduct, and the common law of agency.

SECTION 2. Amends Section 305.031(a), Government Code, to delete text referring to Sections 305.0011 (List of Registrants and Employers) and 305.012 (this section had been reserved for expansion).

SECTION 3. Repealer: Sections 305.0011 (List of Registrants and Employers) and 305.028(i) (pertaining to a restriction on a registrant), Government Code.

SECTION 4. Effective date: September 1, 2005.