

By: Swinford

H.B. No. 1942

A BILL TO BE ENTITLED

AN ACT

relating to restrictions on and reporting of certain expenditures by registered lobbyists.

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

SECTION 1. Section 305.0062(a), Government Code, is amended to read as follows:

(a) The report filed under Section 305.006 must also contain the total expenditures described by Section 305.006(b) that are directly attributable to members of the legislative or executive branch. The expenditures must be stated in only one of the following categories:

- (1) state senators;
- (2) state representatives;
- (3) elected or appointed state officers, other than those described by Subdivision (1) or (2);
- (4) legislative agency employees;
- (5) executive agency employees;
- (6) the immediate family of a member of the legislative or executive branch; ~~and~~
- (7) children, other than dependent children, of and other guests invited by an individual described by Subdivision (1), (2), (3), (4), (5), or (6); and
- (8) events to which all legislators are invited.

SECTION 2. Section 305.024(a), Government Code, is amended

1 to read as follows:

2 (a) Except as provided by Section 305.025, a person  
3 registered under Section 305.005 or a person on the registrant's  
4 behalf and with the registrant's consent or ratification may not  
5 offer, confer, or agree to confer to an individual described by  
6 Section 305.0062(a)(1), (2), (3), (4), (5), (6), or (7) [~~a member of~~  
7 ~~the legislative or executive branch~~]:

8 (1) a loan, including the guarantee or endorsement of  
9 a loan;

10 (2) a gift of cash or a negotiable instrument as  
11 described by Section 3.104, Business & Commerce Code;

12 (3) an expenditure for transportation and lodging;

13 (4) an expenditure or series of expenditures for  
14 entertainment that in the aggregate exceed \$500 in a calendar year;

15 (5) an expenditure or series of expenditures for gifts  
16 that in the aggregate exceed \$500 in a calendar year;

17 (6) an expenditure for an award or memento that  
18 exceeds \$500; or

19 (7) an expenditure described by Section  
20 305.006(b)(1), (2), (3), or (6) unless the registrant is present at  
21 the event.

22 SECTION 3. Section 305.025, Government Code, is amended to  
23 read as follows:

24 Sec. 305.025. EXCEPTIONS. Section 305.024 does not  
25 prohibit:

26 (1) a loan in the due course of business from a  
27 corporation or other business entity that is legally engaged in the

1 business of lending money and that has conducted that business  
2 continuously for more than one year before the loan is made;

3 (2) a loan or guarantee of a loan or a gift made or  
4 given by a person related within the second degree by affinity or  
5 consanguinity to the member of the legislative or executive branch;

6 (3) necessary expenditures for transportation and  
7 lodging when the purpose of the travel is to explore matters  
8 directly related to the duties of a member of the legislative or  
9 executive branch, such as fact-finding trips, including attendance  
10 at informational conferences or an event described by Subdivision  
11 (4), but not including attendance at merely ceremonial events or  
12 pleasure trips;

13 (4) necessary expenditures for transportation, ~~and~~  
14 lodging, food and beverages, and incidental entertainment provided  
15 in connection with a conference, seminar, educational program, or  
16 similar event in which the member renders services, such as  
17 addressing an audience or engaging in a seminar, to the extent that  
18 those services are more than merely perfunctory;

19 (5) an incidental expenditure for transportation as  
20 determined by commission rule; or

21 (6) a political contribution as defined by Section  
22 251.001, Election Code.

23 SECTION 4. Section 36.07(b), Penal Code, is amended to read  
24 as follows:

25 (b) This section does not prohibit a public servant from  
26 accepting transportation, ~~and~~ lodging, food and beverages, and  
27 incidental entertainment ~~[expenses]~~ in connection with a

1 conference, educational program, or similar event in which the  
2 public servant renders services, such as addressing an audience or  
3 engaging in a seminar, to the extent that:

4 (1) the [those] services rendered are more than merely  
5 perfunctory; and

6 (2) the expenditures are reported as required by  
7 Chapter 305, Government Code, if applicable [~~, or from accepting~~  
8 ~~meals in connection with such an event~~].

9 SECTION 5. Sections 305.0062(a), 305.024(a), and 305.025,  
10 Government Code, as amended by this Act, apply only to an  
11 expenditure or the reporting of an expenditure made on or after  
12 September 1, 2005. An expenditure or the reporting of an  
13 expenditure made before September 1, 2005, is governed by the law in  
14 effect on the date the expenditure was made, and the former law is  
15 continued in effect for that purpose.

16 SECTION 6. (a) The change in law made by this Act applies  
17 only to an offense committed on or after September 1, 2005. For  
18 purposes of this section, an offense is committed before September  
19 1, 2005, if any element of the offense occurs before that date.

20 (b) An offense committed before September 1, 2005, is  
21 covered by the law in effect when the offense was committed, and the  
22 former law is continued in effect for that purpose.

23 SECTION 7. This Act takes effect September 1, 2005.