

By: Hughes

H.B. No. 2202

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibited conflicts of interest of registered
3 lobbyists.

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

5 SECTION 1. Section 305.028, Government Code, is amended by
6 amending Subsection (b) and adding Subsections (c-1) and (k) to
7 read as follows:

8 (b) Except as permitted by Subsection (c) or (c-1), a
9 registrant may not represent a client in communicating directly
10 with a member of the legislative or executive branch to influence
11 legislative subject matter or administrative action if the
12 representation of that client:

13 (1) involves a substantially related matter in which
14 that client's interests are materially and directly adverse to the
15 interests of:

16 (A) another client of the registrant;

17 (B) an employer or concern employing the
18 registrant; or

19 (C) another client of a person associated with
20 the registrant; or

21 (2) reasonably appears to be adversely limited by:

22 (A) the registrant's, the employer's or
23 concern's, or the other associated person's responsibilities to
24 another client; or

1 (B) the registrant's, employer's or concern's own
2 interest, or other associated person's own business interests.

3 (c-1) A registrant may represent a client in the
4 circumstances described in Subsection (b) without regard to
5 whether the registrant reasonably believes the representation of
6 each client will be materially affected if:

7 (1) the registrant provides the written notice to each
8 affected client as described by Subsection (c)(2) and files the
9 statement described by Subsection (c)(3); and

10 (2) after the registrant has provided the written
11 notice described by Subsection (c)(2), each affected client of the
12 registrant consents to the conflict and grants the registrant
13 permission to continue the representation.

14 (k) The commission may adopt rules to implement this section
15 consistent with this chapter, the Texas Disciplinary Rules of
16 Professional Conduct, and the common law of agency.

17 SECTION 2. Section 305.031(a), Government Code, is amended
18 to read as follows:

19 (a) A person commits an offense if the person intentionally
20 or knowingly violates a provision of this chapter other than
21 Section [~~305.0011, 305.0127~~] 305.022[~~7~~] or 305.028. An offense
22 under this subsection is a Class A misdemeanor.

23 SECTION 3. Sections 305.0011, 305.002(12), (13), and (14),
24 and 305.028(i), Government Code, are repealed.

25 SECTION 4. This Act takes effect September 1, 2005.