

1-1 By: Hughes (Senate Sponsor - Harris) H.B. No. 2202
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on State
1-4 Affairs; May 9, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 9, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to prohibited conflicts of interest of registered
1-9 lobbyists.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 305.028, Government Code, is amended by
1-12 amending Subsection (b) and adding Subsections (c-1) and (k) to
1-13 read as follows:

1-14 (b) Except as permitted by Subsection (c) or (c-1), a
1-15 registrant may not represent a client in communicating directly
1-16 with a member of the legislative or executive branch to influence
1-17 legislative subject matter or administrative action if the
1-18 representation of that client:

1-19 (1) involves a substantially related matter in which
1-20 that client's interests are materially and directly adverse to the
1-21 interests of:

1-22 (A) another client of the registrant;

1-23 (B) an employer or concern employing the
1-24 registrant; or

1-25 (C) another client of a person associated with
1-26 the registrant; or

1-27 (2) reasonably appears to be adversely limited by:

1-28 (A) the registrant's, the employer's or
1-29 concern's, or the other associated person's responsibilities to
1-30 another client; or

1-31 (B) the registrant's, employer's or concern's own
1-32 interest, or other associated person's own business interests.

1-33 (c-1) A registrant may represent a client in the
1-34 circumstances described in Subsection (b) without regard to
1-35 whether the registrant reasonably believes the representation of
1-36 each client will be materially affected if:

1-37 (1) the registrant provides the written notice to each
1-38 affected client as described by Subsection (c)(2) and files the
1-39 statement described by Subsection (c)(3); and

1-40 (2) after the registrant has provided the written
1-41 notice described by Subsection (c)(2), each affected client of the
1-42 registrant consents to the conflict and grants the registrant
1-43 permission to continue the representation.

1-44 (k) The commission may adopt rules to implement this section
1-45 consistent with this chapter, the Texas Disciplinary Rules of
1-46 Professional Conduct, and the common law of agency.

1-47 SECTION 2. Section 305.031(a), Government Code, is amended
1-48 to read as follows:

1-49 (a) A person commits an offense if the person intentionally
1-50 or knowingly violates a provision of this chapter other than
1-51 Section [~~305.0011, 305.0127~~] 305.022[7] or 305.028. An offense
1-52 under this subsection is a Class A misdemeanor.

1-53 SECTION 3. Sections 305.0011 and 305.028(i), Government
1-54 Code, are repealed.

1-55 SECTION 4. This Act takes effect September 1, 2005.

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