

1-1 By: Harris S.B. No. 1010
1-2 (In the Senate - Filed March 4, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Administration;
1-4 April 25, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 25, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1010 By: Van de Putte

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to prohibited conflicts of interest of registered
1-11 lobbyists.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 305.028, Government Code, is amended by
1-14 amending Subsection (b) and adding Subsections (c-1) and (k) to
1-15 read as follows:

1-16 (b) Except as permitted by Subsection (c) or (c-1), a
1-17 registrant may not represent a client in communicating directly
1-18 with a member of the legislative or executive branch to influence
1-19 legislative subject matter or administrative action if the
1-20 representation of that client:

1-21 (1) involves a substantially related matter in which
1-22 that client's interests are materially and directly adverse to the
1-23 interests of:

1-24 (A) another client of the registrant;

1-25 (B) an employer or concern employing the
1-26 registrant; or

1-27 (C) another client of a person associated with
1-28 the registrant; or

1-29 (2) reasonably appears to be adversely limited by:

1-30 (A) the registrant's, the employer's or
1-31 concern's, or the other associated person's responsibilities to
1-32 another client; or

1-33 (B) the registrant's, employer's or concern's own
1-34 interest, or other associated person's own business interests.

1-35 (c-1) A registrant may represent a client in the
1-36 circumstances described in Subsection (b) without regard to whether
1-37 the registrant reasonably believes the representation of each
1-38 client will be materially affected if:

1-39 (1) the registrant provides the written notice to each
1-40 affected client as described by Subsection (c)(2) and files the
1-41 statement described by Subsection (c)(3); and

1-42 (2) after the registrant has provided the written
1-43 notice described by Subsection (c)(2), each affected client of the
1-44 registrant consents to the conflict and grants the registrant
1-45 permission to continue the representation.

1-46 (k) The commission may adopt rules to implement this section
1-47 consistent with this chapter, the Texas Disciplinary Rules of
1-48 Professional Conduct, and the common law of agency.

1-49 SECTION 2. Subsection (a), Section 305.031, Government
1-50 Code, is amended to read as follows:

1-51 (a) A person commits an offense if the person intentionally
1-52 or knowingly violates a provision of this chapter other than
1-53 Section [~~305.0011, 305.012,~~] 305.022[~~7~~] or 305.028. An offense
1-54 under this subsection is a Class A misdemeanor.

1-55 SECTION 3. Section 305.0011 and Subsection (i), Section
1-56 305.028, Government Code, are repealed.

1-57 SECTION 4. This Act takes effect September 1, 2005.

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