

By: Harris

S.B. No. 1011

A BILL TO BE ENTITLED

AN ACT

1
2 relating to restrictions on and reporting of certain expenditures
3 by registered lobbyists.

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

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

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

- 12 (1) state senators;
- 13 (2) state representatives;
- 14 (3) elected or appointed state officers, other than
15 those described by Subdivision (1) or (2);
- 16 (4) legislative agency employees;
- 17 (5) executive agency employees;
- 18 (6) the immediate family of a member of the
19 legislative or executive branch; ~~and~~
- 20 (7) guests, when invited by an individual described by
21 Subdivision (1), (2), (3), (4), or (5); and
- 22 (8) events to which all legislators are invited.

23 SECTION 2. Subsection (a), Section 305.024, Government
24 Code, is amended to read as follows:

1 (a) Except as provided by Section 305.025, a person
2 registered under Section 305.005 or a person on the registrant's
3 behalf and with the registrant's consent or ratification may not
4 offer, confer, or agree to confer:

5 (1) to an individual described by Section
6 305.0062(a)(1), (2), (3), (4), or (5) [a member of the legislative
7 or executive branch]:

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

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

13 (2) to an individual described by Section
14 305.0062(a)(1), (2), (3), (4), (5), (6), or (7):

15 (A) [(3)] an expenditure for transportation and
16 lodging;

17 (B) [(4)] an expenditure or series of
18 expenditures for entertainment that in the aggregate exceed \$500 in
19 a calendar year;

20 (C) [(5)] an expenditure or series of
21 expenditures for gifts that in the aggregate exceed \$500 in a
22 calendar year;

23 (D) [(6)] an expenditure for an award or memento
24 that exceeds \$500; or

25 (E) [(7)] an expenditure described by Section
26 305.006(b)(1), (2), (3), or (6) unless the registrant is present at
27 the event.

1 SECTION 3. Section 305.025, Government Code, is amended to
2 read as follows:

3 Sec. 305.025. EXCEPTIONS. Section 305.024 does not
4 prohibit:

5 (1) a loan in the due course of business from a
6 corporation or other business entity that is legally engaged in the
7 business of lending money and that has conducted that business
8 continuously for more than one year before the loan is made;

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

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

19 (4) necessary expenditures for transportation, ~~and~~
20 lodging, food and beverages, and entertainment provided in
21 connection with a conference, seminar, educational program, or
22 similar event in which the member renders services, such as
23 addressing an audience or engaging in a seminar, to the extent that
24 those services are more than merely perfunctory;

25 (5) an incidental expenditure for transportation as
26 determined by commission rule; or

27 (6) a political contribution as defined by Section

1 251.001, Election Code.

2 SECTION 4. Subsection (a), Section 305.0062, Subsection
3 (a), Section 305.024, and Section 305.025, Government Code, as
4 amended by this Act, apply only to an expenditure or the reporting
5 of an expenditure made on or after September 1, 2005. An
6 expenditure or the reporting of an expenditure made before
7 September 1, 2005, is governed by the law in effect on the date the
8 expenditure was made, and the former law is continued in effect for
9 that purpose.

10 SECTION 5. (a) The change in law made by this Act applies
11 only to an offense committed on or after September 1, 2005. For
12 purposes of this section, an offense is committed before
13 September 1, 2005, if any element of the offense occurs before that
14 date.

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

18 SECTION 6. This Act takes effect September 1, 2005.