

By: Anchia

H.B. No. 3907

A BILL TO BE ENTITLED

1 AN ACT

2 relating to registration as lobbyists of certain persons who
3 influence state purchasing.

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

5 SECTION 1. Section 305.002(1), Government Code, is amended
6 to read as follows:

7 (1) "Administrative action" means rulemaking,
8 licensing, or any other matter that may be the subject of action by
9 a state agency, including a matter relating to the purchase of
10 products or services by the agency. The term includes the proposal,
11 consideration, or approval of the matter or negotiations concerning
12 the matter.

13 SECTION 2. The heading of Section 305.004, Government Code,
14 is amended to read as follows:

15 Sec. 305.004. GENERAL EXCEPTIONS.

16 SECTION 3. Subchapter A, Chapter 305, Government Code, is
17 amended by adding Section 305.0042 to read as follows:

18 Sec. 305.0042. EXCEPTION FOR CERTAIN COMMUNICATIONS
19 RELATED TO STATE PURCHASING. (a) A person is not required to
20 register under this chapter in accordance with Section
21 305.003(a)(2) solely because the person receives compensation or
22 reimbursement to communicate, as an employee or contractor of a
23 vendor of a product or of a provider of a service, to a member of the
24 executive branch concerning a purchasing decision of a state agency

1 if:

2 (1) the purchase of the product or service is not
3 subject to competitive bidding requirements or competitive
4 proposal requirements or the cost of the product or service does not
5 otherwise exceed a maximum cost limit established by commission
6 rule; or

7 (2) the product or service is on a catalog or similar
8 listing of prequalified products or services for purchase by a
9 state agency.

10 (b) A registrant who makes a communication described by
11 Subsection (a) is not required to provide information concerning
12 the communication in the registrant's registration statement under
13 Section 305.005(f)(4) or (5)(B).

14 (c) A registrant who makes a communication described by
15 Subsection (a) is not required to provide information concerning
16 the person who reimburses, retains, or employs the registrant to
17 make the communication under Section 305.005(f)(3) or (6) unless
18 the registrant performs, on behalf of that person, other activities
19 that require registration under this chapter.

20 (d) A registrant who makes a communication described by
21 Subsection (a) is not required to provide information concerning a
22 person employed or retained by the registrant for the purpose of
23 assisting in the communication under Section 305.005(f)(5)(A)
24 unless the person is also employed or retained by the registrant to
25 assist with other activities that require registration under this
26 chapter.

27 SECTION 4. Section 403.1067(b), Government Code, is amended

1 to read as follows:

2 (b) Except as provided by this subsection, the [The] persons
3 or entities described by Subsection (a) are not eligible to receive
4 the money or participate either directly or indirectly in the
5 contracts, funds, or grants awarded in Section 403.105, 403.1055,
6 403.106, 403.1065, or 403.1066. A registrant under Chapter 305 is
7 not ineligible under this subsection if the person is required to
8 register under that chapter solely because the person communicates
9 directly with a member of the executive branch to influence
10 administrative action concerning a matter relating to the purchase
11 of products or services by a state agency.

12 SECTION 5. Section 161.301, Health and Safety Code, is
13 amended by amending Subsection (d) and adding Subsection (f) to
14 read as follows:

15 (d) The commissioner may not award a contract under
16 Subsection (b) to:

17 (1) a person or entity that is required to register
18 with the Texas Ethics Commission under Chapter 305, Government
19 Code, except as provided by Subsection (f);

20 (2) any partner, employee, employer, relative,
21 contractor, consultant, or related entity of a person or entity
22 described by Subdivision (1) and not described by Subsection (f);
23 or

24 (3) a person or entity who has been hired to represent
25 associations or other entities for the purpose of affecting the
26 outcome of legislation, agency rules, or other government policies
27 through grassroots or media campaigns.

1 (f) A registrant under Chapter 305, Government Code, is not
2 ineligible under Subsections (d) and (e) if the person is required
3 to register under that chapter solely because the person
4 communicates directly with a member of the executive branch to
5 influence administrative action concerning a matter relating to the
6 purchase of products or services by a state agency.

7 SECTION 6. A person who is required to register under
8 Chapter 305, Government Code, solely as a result of the change in
9 law made by this Act, is not required to register under that chapter
10 before January 1, 2008.

11 SECTION 7. This Act takes effect September 1, 2007.