

By: Anchia

H.B. No. 3908

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to the requirements that certain persons register under the lobby law.

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

SECTION 1. Section 305.003, Government Code, is amended by adding Subsections (b-3), (d), and (e) to read as follows:

(b-3) Subsection (a)(2) does not require a person to register if the person spends not more than five percent of the time for which the person is compensated or reimbursed during the calendar quarter engaging in activity to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action.

(d) A corporation, association, firm, partnership, committee, club, organization, or other group of persons is not required to register under this section if the expenditures made on behalf of the entity, and compensation paid by the entity, to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action are reported by an individual who is a registrant in accordance with this chapter and rules of the commission.

(e) An expenditure made by a member of the judicial, legislative, or executive branch acting in the member's official capacity is not included for purposes of determining whether a person is required to register in accordance with Subsection

1 (a)(1).

2 SECTION 2. Section 305.004, Government Code, is amended to
3 read as follows:

4 Sec. 305.004. GENERAL EXCEPTIONS. The following persons
5 are not required to register under this chapter:

6 (1) a person who owns, publishes, or is employed by a
7 newspaper, any other regularly published periodical, a radio
8 station, a television station, a wire service, or any other bona
9 fide news medium that in the ordinary course of business
10 disseminates news, letters to the editors, editorial or other
11 comment, or paid advertisements that directly or indirectly oppose
12 or promote legislation or administrative action, if the person does
13 not engage in further or other activities that require registration
14 under this chapter and does not represent another person in
15 connection with influencing legislation or administrative action;

16 (2) ~~[a person whose only direct communication with a~~
17 ~~member of the legislative or executive branch to influence~~
18 ~~legislation or administrative action is an appearance before or~~
19 ~~testimony to one or more members of the legislative or executive~~
20 ~~branch in a hearing conducted by or on behalf of either the~~
21 ~~legislative or the executive branch and who does not receive~~
22 ~~special or extra compensation for the appearance other than actual~~
23 ~~expenses incurred in attending the hearing~~

24 ~~[(3)]~~ a person whose only activity is to encourage or
25 solicit members, employees, or stockholders of an entity by whom
26 the person is reimbursed, employed, or retained to communicate
27 directly with members of the legislative or executive branch to

1 influence legislation or administrative action;

2 (3) [~~(4)~~] a person whose only activity to influence
3 legislation or administrative action is to compensate or reimburse
4 an individual registrant to act in the person's behalf to
5 communicate directly with a member of the legislative or executive
6 branch to influence legislation or administrative action;

7 (4) [~~(5)~~] a person whose only activity to influence
8 legislation or administrative action is attendance at a meeting or
9 entertainment event attended by a member of the legislative or
10 executive branch if the total cost of the meeting or entertainment
11 event is paid by a business entity, union, or association;

12 (5) [~~(6)~~] a person whose only compensation subject to
13 Section 305.003(a)(2) consists of reimbursement for any wages not
14 earned due to attendance at a meeting or entertainment event,
15 travel to and from the meeting or entertainment event, admission to
16 the meeting or entertainment event, and any food and beverage
17 consumed at the meeting or entertainment event if the meeting or
18 entertainment event is attended by a member of the legislative or
19 executive branch and if the total cost of the meeting or
20 entertainment event is paid by a business entity, union, or
21 association; and

22 (6) [~~(7)~~] a person who communicates directly with a
23 member of the legislative or executive branch on behalf of a
24 political party concerning legislation or administrative action,
25 and whose expenditures and compensation, as described in Section
26 305.003, combined do not exceed \$5,000 a calendar year.

27 SECTION 3. Subchapter A, Chapter 305, Government Code, is

amended by adding Section 305.0041 to read as follows:

Sec. 305.0041. EXCEPTIONS FOR CERTAIN ACTIVITIES FOR WHICH
COMPENSATION OR REIMBURSEMENT IS RECEIVED. (a) A person is not
required to register under this chapter in accordance with Section
305.003(a)(2) solely because the person receives compensation or
reimbursement to:

(1) provide oral or written comment to one or more
members of the executive branch in connection with a rulemaking
process;

(2) appear before, or make another type of
communication to, one or more members of the legislative or
executive branch in connection with a hearing conducted by or on
behalf of either the legislative or executive branch;

(3) request a written opinion that interprets a law,
regulation, rule, policy, practice, or procedure administered by a
state agency;

(4) merely provide, in preparing or submitting an
application or other written document, information that:

(A) is required by law, order, or subpoena; or

(B) responds to a document prepared by a state
agency;

(5) communicate merely for the purpose of
demonstrating compliance with an audit, inspection, examination of
a financial institution, or government investigation to interpret
and determine compliance with existing laws, policies, and
procedures;

(6) communicate to achieve compliance with existing

1 laws, rules, policies, and procedures, including communicating to
2 show qualification for an exception of general applicability that
3 is available under existing laws, rules, policies, and procedures;

4 (7) communicate as a member of an advisory committee
5 or task force, if the person is appointed to serve in that capacity
6 by a member of the legislative or executive branch;

7 (8) communicate to respond to a specific request for
8 information from a member of the legislative or executive branch,
9 if the request was not solicited by or on behalf of the person
10 providing the information;

11 (9) communicate to legal counsel of a state agency, an
12 administrative law judge, or a hearings examiner concerning:

13 (A) litigation or adjudicative proceedings to
14 which the agency is a party; or

15 (B) adjudicative proceedings of that agency;

16 (10) communicate to provide testimony, make an
17 appearance, or make any other type of communication documented as
18 part of a public record in a proceeding of an adjudicative nature of
19 the type authorized by or subject to Chapter 2001, without regard to
20 whether that proceeding is subject to Chapter 551;

21 (11) provide only clerical assistance to another in
22 connection with the other person's activities that require
23 registration under this chapter, such as merely typing or
24 delivering another person's letter to a member of the legislative
25 or executive branch;

26 (12) communicate as an employee or contractor of a
27 vendor of a product or service to a member of the executive branch

1 concerning a purchasing decision of a state agency if:

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

10 (13) perform any combination of activities described
11 by Subdivisions (1)-(12).

12 (b) A registrant who performs an activity described by
13 Subsection (a) is not required to provide information concerning
14 the activity in the registrant's registration statement under
15 Section 305.005(f)(4) or (5)(B).

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

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

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1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2007.