

By: Howard of Travis

H.B. No. 723

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain activities by, employment of, and contracts of
3 former members of the legislature; creating offenses.

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

5 SECTION 1. Section 572.002, Government Code, is amended by
6 adding Subdivision (5-a) to read as follows:

7 (5-a) "Legislative committee" means:

8 (A) a standing or select committee of either
9 house of the legislature; or

10 (B) a committee that includes members of both
11 houses of the legislature, including a joint committee, conference
12 committee, or select committee, regardless of whether the committee
13 includes persons who are not members of the legislature.

14 SECTION 2. Subchapter C, Chapter 572, Government Code, is
15 amended by adding Sections 572.062 through 572.066 to read as
16 follows:

17 Sec. 572.062. FORMER LEGISLATOR: LOBBYING RESTRICTED;
18 CRIMINAL OFFENSE. (a) In this section, "administrative action,"
19 "communicates directly with," "legislation," "member of the
20 executive branch," and "member of the legislative branch" have the
21 meanings assigned by Section 305.002.

22 (b) Except as provided by Subsection (c), a former member of
23 the legislature may not, before the second anniversary of the date
24 the last term for which the former member was elected ends, engage

1 in activities that require registration under Chapter 305.

2 (c) Subsection (b) does not apply to a former member who:

3 (1) communicates directly with a member of the
4 legislative or executive branch only to influence legislation or
5 administrative action on behalf of:

6 (A) a nonprofit organization;

7 (B) an individual;

8 (C) a group of low-income individuals; or

9 (D) a group of individuals with disabilities; and

10 (2) does not receive compensation other than
11 reimbursement for actual expenses for engaging in communication
12 described by Subdivision (1).

13 (d) To the extent of a conflict between this section and
14 Section 572.063, this section controls.

15 (e) A former member who violates this section commits an
16 offense. An offense under this section is a Class A misdemeanor.

17 Sec. 572.063. FORMER LEGISLATOR: REPRESENTATION OF CLIENTS
18 RESTRICTED; CRIMINAL OFFENSE. (a) Except as provided by
19 Subsection (b), a former member of the legislature may not, before
20 the first anniversary of the date the last term for which the former
21 member was elected ends, represent a client before a governmental
22 entity with regard to a matter that was within the jurisdiction of a
23 legislative committee on which the former member served during any
24 part of the two years preceding the date the former member left
25 office.

26 (b) Subsection (a) does not apply to a former member's
27 representation of a client that:

1 (1) began before the former member was first elected
2 to the legislature; and

3 (2) continued throughout the former member's service
4 in the legislature.

5 (c) A former member of the legislature who violates this
6 section commits an offense. An offense under this section is a Class
7 A misdemeanor.

8 Sec. 572.064. FORMER LEGISLATOR: ELECTION OR APPOINTMENT TO
9 OR EMPLOYMENT BY STATE DEPARTMENT, COMMISSION, BOARD, OR AGENCY;
10 CRIMINAL OFFENSE. (a) Except as provided by Subsection (b), a
11 former member of the legislature may not, before the second
12 anniversary of the date the last term for which the member was
13 elected ends, be:

14 (1) appointed to or employed by a department,
15 commission, board, or other agency in the legislative, executive,
16 or judicial branch of state government; or

17 (2) nominated, elected, or appointed to a public
18 office that was created or for which the salary was increased during
19 the former member's last term.

20 (b) Subsection (a) does not apply to an office for which the
21 constitution prescribes the qualifications for holding office.

22 (c) A former member who violates this section commits an
23 offense. An offense under this section is a Class A misdemeanor.

24 Sec. 572.065. FORMER LEGISLATOR: EMPLOYMENT BY REGULATED
25 ENTITY RESTRICTED; CRIMINAL OFFENSE. (a) A former member of the
26 legislature may not, before the second anniversary of the date the
27 last term for which the former member was elected ends, be employed

1 by an entity that is regulated by a department, commission, board,
2 or other agency in the legislative, executive, or judicial branch
3 of state government regarding a matter that was within the
4 jurisdiction of a legislative committee on which the former member
5 served during any part of the two years preceding the date the
6 former member left office.

7 (b) A former member who violates this section commits an
8 offense. An offense under this section is a Class A misdemeanor.

9 Sec. 572.066. FORMER LEGISLATOR: CONTRACTS WITH STATE
10 RESTRICTED; CRIMINAL OFFENSE. (a) A former member of the
11 legislature may not, before the second anniversary of the date the
12 last term for which the member was elected ends, have an interest in
13 a contract with a department, commission, board, or other agency in
14 the legislative, executive, or judicial branch of state government
15 if, during the last term for which the former member was elected,
16 the legislature enacted a statute that:

17 (1) authorizes the contract; or

18 (2) appropriates money to pay the contract.

19 (b) A former member who violates this section commits an
20 offense. An offense under this section is a Class A misdemeanor.

21 SECTION 3. Sections 572.062 through 572.066, Government
22 Code, as added by this Act, apply only to a member of the
23 legislature who ceases to be a member on or after the effective date
24 of this Act.

25 SECTION 4. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.