

By: Shapleigh

S.B. No. 610

A BILL TO BE ENTITLED

AN ACT

relating to lobbying by former members of the governor's executive staff; providing civil and criminal penalties.

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

SECTION 1. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.067 to read as follows:

Sec. 572.067. LOBBYING BY FORMER EMPLOYEE OF GOVERNOR RESTRICTED; CRIMINAL OFFENSE. (a) In this section:

(1) "Administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(2) "Member of the governor's executive staff" means a person employed by the governor acting in the governor's official capacity whose regular job duties include:

(A) formulating policy or testifying before and meeting with members of the legislature; or

(B) supervising other employees in the governor's office whose regular job duties include those described by Paragraph (A).

(b) Except as provided by Subsection (c), a former member of the governor's executive staff may not, before the first anniversary of the date the person's employment by the governor ends, engage in activities that require registration under Chapter

1 305.

2 (c) Subsection (b) does not apply to a former member of the
3 governor's executive staff who:

4 (1) is an officer of or employed by:

5 (A) a governmental entity; or

6 (B) a hospital or institution of higher education
7 that is exempt from federal income tax under Section 501(a),
8 Internal Revenue Code of 1986, by being listed as an exempt
9 organization under Section 501(c)(3), Internal Revenue Code of
10 1986; and

11 (2) communicates directly with a member of the
12 legislative or executive branch only to influence legislation or
13 administrative action on behalf of the entity described by
14 Subdivision (1) that the person serves or that employs the person.

15 (d) A person who knowingly violates this section commits an
16 offense. An offense under this section is a Class A misdemeanor.

17 (e) The commission may impose a civil penalty of not more
18 than \$50,000 against a person who knowingly violates this section.
19 This subsection is in addition to any other available sanction for a
20 violation of this section.

21 SECTION 2. Section 572.067, Government Code, as added by
22 this Act, applies only to a member of the governor's executive staff
23 who ceases to be a member of the governor's executive staff on or
24 after September 1, 2009.

25 SECTION 3. This Act takes effect September 1, 2009.