

BILL ANALYSIS

C.S.H.B. 3409
By: Kolkhorst
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been observed that during the final months of a legislative session, when bills are passing or failing to pass every hour, lobbyists often are hired to help or hinder the passage of particular bills. Since lobbyists are required to file their activity reports with the Texas Ethics Commission on a monthly basis, under these circumstances a lobbyist may work for only a few weeks for a new client without publicly acknowledging that lobbying activity. C.S.H.B. 3409 proposes to address this situation by requiring more frequent reporting by lobbyists during a legislative session.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3409 amends the Government Code to require a registered lobbyist, during the period beginning on the date a regular legislative session convenes and continuing through the date of final adjournment, to file with the Texas Ethics Commission an amended registration if there is a change in the person who reimburses, retains, or employs the registrant and on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action or if there is a change in the subject matter about which the registrant has communicated directly with a member of the legislative or executive branch.

C.S.H.B. 3409 requires the amended registration to be written and verified and to contain the information required in provisions of law relating to registration of lobbyists. The bill requires the registered lobbyist to file the amended registration not later than the fifth day after the date on which the registrant, any person the registrant retains or employs to appear on the registrant's behalf, or any other person appearing on the registrant's behalf makes the first direct communication with a member of the legislative or executive branch on behalf of a person not included in the registrant's registration, the registrant's last activity report, or any other registration and who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action or makes such a communication about any subject matter not included in the registrant's registration, the registrant's last activity report, or any other registration. The bill requires the commission to make available on its website an amended registration filed under the bill's provisions not later than the next business day after the date the amended registration is filed. The bill makes conforming changes.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3409 differs from the original by requiring a registered lobbyist, during the period beginning on the date a regular legislative session convenes and continuing through the date of final adjournment, to file an amended registration with the Texas Ethics Commission not later than the fifth day after direct communication is made with a member of the legislative or executive branch on behalf of a person not included in the registrant's registration, the registrant's last activity report, or any other registration and who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action or about any subject matter not included in the registrant's registration, the registrant's last activity report, or any other registration, whereas the original requires the amended registration during that period to be filed not later than the fifth day after direct communication is made with a member of the legislative or executive branch on behalf of any person or about any subject matter required to be included in the amended registration.