

By: Kolkhorst

H.B. No. 1298

A BILL TO BE ENTITLED

AN ACT

relating to reporting of lobbying activities and restrictions on lobbying activities by certain persons; creating an offense.

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

SECTION 1. Section 305.005(k), Government Code, is amended to read as follows:

(k) If there is a change in the information required to be reported by a registrant under this section, other than Subsection (h) or (i), and that changed information is not timely reported on a report due under Section 305.007, the registrant shall file an amended registration [~~statement~~] reflecting the change with the commission not later than the date on which an amended registration is due under Section 305.0065 or the next report is due under Section 305.007, as applicable.

SECTION 2. Subchapter A, Chapter 305, Government Code, is amended by adding Section 305.0065 to read as follows:

Sec. 305.0065. AMENDED REGISTRATION DURING LEGISLATIVE SESSION. (a) This section applies only during the period beginning on the date a regular legislative session convenes and continuing through the date of final adjournment.

(b) A registrant shall file with the commission an amended registration if there is a change in:

(1) the person who reimburses, retains, or employs the registrant and on whose behalf the registrant has communicated

1 directly with a member of the legislative or executive branch to  
2 influence legislation or administrative action; or

3 (2) the subject matter about which the registrant has  
4 communicated directly with a member of the legislative or executive  
5 branch.

6 (c) The amended registration must be written and verified  
7 and must contain:

8 (1) the full name and address of any person:

9 (A) not included in the registrant's last  
10 activity report or in any other amended registration;

11 (B) who reimburses, retains, or employs the  
12 registrant to communicate directly with a member of the legislative  
13 or executive branch to influence legislation or administrative  
14 action; and

15 (C) on whose behalf the registrant has  
16 communicated directly with a member of the legislative or executive  
17 branch to influence legislation or administrative action; and

18 (2) a list of the specific categories of subject  
19 matters about which the registrant has communicated directly with a  
20 member of the legislative or executive branch and not included in  
21 the registrant's registration, the registrant's last activity  
22 report, or in any other registration.

23 (d) The registrant must file the amended registration not  
24 later than the eighth day after the date on which the registrant,  
25 any person the registrant retains or employs to appear on the  
26 registrant's behalf, or any other person appearing on the  
27 registrant's behalf makes the first direct communication with a

1 member of the legislative or executive branch on behalf of any  
2 person or about any subject matter required to be included in the  
3 amended registration.

4 SECTION 3. Section 305.009, Government Code, is amended by  
5 adding Subsection (e) to read as follows:

6 (e) The commission shall make available on its website an  
7 amended registration filed under Section 305.0065 not later than  
8 the next business day after the date the amended registration is  
9 filed.

10 SECTION 4. Subchapter C, Chapter 572, Government Code, is  
11 amended by adding Section 572.062 to read as follows:

12 Sec. 572.062. LOBBYING BY FORMER EXECUTIVE OFFICER OR  
13 FORMER LEGISLATOR RESTRICTED; CRIMINAL OFFENSE. (a) In this  
14 section, "executive officer" means:

- 15 (1) the governor;
- 16 (2) the lieutenant governor;
- 17 (3) the attorney general;
- 18 (4) the comptroller;
- 19 (5) the commissioner of the General Land Office;
- 20 (6) the commissioner of agriculture;
- 21 (7) a railroad commissioner;
- 22 (8) the secretary of state; or
- 23 (9) a person appointed as provided by the state  
24 constitution, state statute, or action of the governing body of a  
25 state agency to serve as the chief policymaking officer of a state  
26 agency described by Section 572.002(10)(A).

27 (b) A former executive officer may not engage in an activity

1 that requires registration under Chapter 305 before the second  
2 anniversary of the date the person ceases to be an executive  
3 officer.

4 (c) A former member of the legislature may not engage in  
5 activities that require registration under Chapter 305 before the  
6 later of:

7 (1) the date of final adjournment of the first regular  
8 session of the legislature to convene after the date the person  
9 ceases to be a member of the legislature; or

10 (2) the second anniversary of the date the person  
11 ceases to be a member of the legislature.

12 (d) A former executive officer or former member of the  
13 legislature who violates this section commits an offense. An  
14 offense under this section is a Class A misdemeanor.

15 SECTION 5. Section 572.062, Government Code, as added by  
16 this Act, applies only to an executive officer or member of the  
17 legislature who ceases to be an executive officer or member of the  
18 legislature on or after the effective date of this Act. An executive  
19 officer or member of the legislature who ceases to be an executive  
20 officer or member of the legislature before the effective date of  
21 this Act is governed by the law in effect when the person ceased to  
22 be an executive officer or member of the legislature, and the former  
23 law is continued in effect for that purpose.

24 SECTION 6. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2011.