

By: Burnam

H.B. No. 2708

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain activities by, employment of, and contracts of
3 former members of the legislature and state agency heads; creating
4 offenses.

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

6 SECTION 1. Section 572.002, Government Code, is amended by
7 adding Subdivisions (5-a) and (10-a) to read as follows:

8 (5-a) "Legislative committee" means:

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

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

15 (10-a) "State agency head" means a person appointed as
16 provided by the state constitution, state statute, or action of the
17 governing body of a state agency to serve as the chief policymaking
18 officer of a state agency described by Subdivision (10)(A).

19 SECTION 2. Subchapter C, Chapter 572, Government Code, is
20 amended by adding Sections 572.065 through 572.072 to read as
21 follows:

22 Sec. 572.065. FORMER LEGISLATOR OR FORMER STATE AGENCY
23 HEAD: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) In this section,
24 "administrative action," "communicates directly with,"

1 "legislation," "member of the executive branch," and "member of the
2 legislative branch" have the meanings assigned by Section 305.002.

3 (b) Except as provided by Subsection (d), a former member of
4 the legislature may not, before the second anniversary of the date
5 the last term for which the former member was elected ends, engage
6 in activities that require registration under Chapter 305.

7 (c) Except as provided by Subsection (d), a former state
8 agency head may not, before the second anniversary of the date the
9 person ceases to be an agency head, engage in activities that
10 require registration under Chapter 305.

11 (d) Subsection (b) or (c) does not apply to a former member
12 or former state agency head who:

13 (1) communicates directly with a member of the
14 legislative or executive branch only to influence legislation or
15 administrative action on behalf of:

16 (A) a nonprofit organization;

17 (B) an individual;

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

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

20 (2) does not receive compensation other than
21 reimbursement for actual expenses for engaging in communication
22 described by Subdivision (1).

23 (e) To the extent of a conflict between this section and
24 Section 572.066 or 572.067, this section controls.

25 (f) A former member or former state agency head who violates
26 this section commits an offense. An offense under this section is a
27 Class A misdemeanor.

1 Sec. 572.066. FORMER LEGISLATOR: REPRESENTATION OF CLIENTS
2 RESTRICTED; CRIMINAL OFFENSE. (a) Except as provided by
3 Subsection (b), a former member of the legislature may not, before
4 the first anniversary of the date the last term for which the former
5 member was elected ends, represent a client before a governmental
6 entity with regard to a matter that was within the jurisdiction of a
7 legislative committee on which the former member served during any
8 part of the two years preceding the date the former member left
9 office.

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

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

14 (2) continued throughout the former member's service
15 in the legislature.

16 (c) A former member of the legislature who violates this
17 section commits an offense. An offense under this section is a Class
18 A misdemeanor.

19 Sec. 572.067. FORMER STATE AGENCY HEAD: REPRESENTATION OF
20 CLIENTS RESTRICTED; CRIMINAL OFFENSE. (a) Except as provided by
21 Subsection (b), a former state agency head may not, before the first
22 anniversary of the date the person ceases to be an agency head,
23 represent a client before a governmental entity with regard to a
24 matter that is related to the powers, duties, and functions of the
25 agency of which the person was the head.

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

1 (1) began before the former state agency head was
2 appointed as an agency head; and

3 (2) continued throughout the former state agency
4 head's term as an agency head.

5 (c) A former state agency head who violates this section
6 commits an offense. An offense under this section is a Class A
7 misdemeanor.

8 (d) If conduct that constitutes an offense under this
9 section also constitutes an offense under Section 572.054, the
10 person may be prosecuted under this section, Section 572.054, or
11 both.

12 Sec. 572.068. FORMER LEGISLATOR: ELECTION OR APPOINTMENT TO
13 OR EMPLOYMENT BY STATE DEPARTMENT, COMMISSION, BOARD, OR AGENCY;
14 CRIMINAL OFFENSE. (a) Except as provided by Subsection (b), a
15 former member of the legislature may not, before the second
16 anniversary of the date the last term for which the member was
17 elected ends, be:

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

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

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

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

1 Sec. 572.069. FORMER LEGISLATOR: EMPLOYMENT BY REGULATED
2 ENTITY RESTRICTED; CRIMINAL OFFENSE. (a) A former member of the
3 legislature may not, before the second anniversary of the date the
4 last term for which the former member was elected ends, be employed
5 by an entity that is regulated by a department, commission, board,
6 or other agency in the legislative, executive, or judicial branch
7 of state government regarding a matter that was within the
8 jurisdiction of a legislative committee on which the former member
9 served during any part of the two years preceding the date the
10 former member left office.

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

13 Sec. 572.070. FORMER STATE AGENCY HEAD: EMPLOYMENT BY
14 REGULATED ENTITY RESTRICTED; CRIMINAL OFFENSE. (a) A former state
15 agency head may not, before the second anniversary of the date the
16 person ceases to be an agency head, be employed by an entity that is
17 regulated by a department, commission, board, or other agency in
18 the legislative, executive, or judicial branch of state government
19 regarding a matter that is related to the powers, duties, and
20 functions of the agency of which the person was the head.

21 (b) A former state agency head who violates this section
22 commits an offense. An offense under this section is a Class A
23 misdemeanor.

24 Sec. 572.071. FORMER LEGISLATOR: CONTRACTS WITH STATE
25 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 member was elected ends, have an interest in

1 a contract with a department, commission, board, or other agency in
2 the legislative, executive, or judicial branch of state government
3 if, during the last term for which the former member was elected,
4 the legislature enacted a statute that:

5 (1) authorizes the contract; or

6 (2) appropriates money to pay the contract.

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. 572.072. FORMER STATE AGENCY HEAD: CONTRACTS WITH
10 STATE RESTRICTED; CRIMINAL OFFENSE. (a) A former state agency head
11 may not, before the second anniversary of the date the person ceases
12 to be an agency head, have an interest in a contract with the agency
13 of which the person was the head.

14 (b) A former state agency head who violates this section
15 commits an offense. An offense under this section is a Class A
16 misdemeanor.

17 SECTION 3. Sections 572.065 through 572.072, Government
18 Code, as added by this Act, apply only to a member of the
19 legislature who ceases to be a member and the head of a state agency
20 who ceases to be the head of a state agency on or after the effective
21 date of this Act.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2011.