

SENATE AMENDMENTS

2nd Printing

By: Kolkhorst

H.B. No. 3409

A BILL TO BE ENTITLED

AN ACT

1

2 relating to reporting of changes in lobbying activities during a
3 legislative session.

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

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

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

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

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

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

23 (1) the person who reimburses, retains, or employs the
24 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 the information required in Section 305.005.

8 (d) The registrant must file the amended registration not
9 later than the fifth day after the date on which the registrant, any
10 person the registrant retains or employs to appear on the
11 registrant's behalf, or any other person appearing on the
12 registrant's behalf makes the first direct communication with a
13 member of the legislative or executive branch:

14 (1) on behalf of a person not included in the
15 registrant's registration, the registrant's last activity report,
16 or any other registration and who reimburses, retains, or employs
17 the registrant to communicate directly with a member of the
18 legislative or executive branch to influence legislation or
19 administrative action; or

20 (2) about any subject matter not included in the
21 registrant's registration, the registrant's last activity report,
22 or any other registration.

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

25 (e) The commission shall make available on its website an
26 amended registration filed under Section 305.0065 not later than
27 the next business day after the date the amended registration is

1 filed.

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

ADOPTED

MAY 25 2011

Atty. Gen.
Secretary of the Senate

By: Williams

H.B. No. 3409

Substitute the following for H.B. No. 3409:

By: Fran

C.S. H.B. No. 3409

A BILL TO BE ENTITLED

1 AN ACT
2 relating to reporting of lobbying activities and changes in
3 lobbying activities.

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

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

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

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

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

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

23 (1) the person who reimburses, retains, or employs the
24 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 the information required in Section 305.005.

8 (d) The registrant must file the amended registration not
9 later than the fifth day after the date on which the registrant, any
10 person the registrant retains or employs to appear on the
11 registrant's behalf, or any other person appearing on the
12 registrant's behalf makes the first direct communication with a
13 member of the legislative or executive branch:

14 (1) on behalf of a person not included in the
15 registrant's registration, the registrant's last activity report,
16 or any other registration and who reimburses, retains, or employs
17 the registrant to communicate directly with a member of the
18 legislative or executive branch to influence legislation or
19 administrative action; or

20 (2) about any subject matter not included in the
21 registrant's registration, the registrant's last activity report,
22 or any other registration.

23 SECTION 3. Section 305.006, Government Code, is amended by
24 adding Subsection (g) to read as follows:

25 (g) For expenditures required to be reported under this
26 section, the authorized expenditures described by Sections
27 305.025(3) and (4) include expenditures for an individual described

1 by Sections 305.0062(a)(1)-(6).

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

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

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 26, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3409 by Kolkhorst (Relating to reporting of lobbying activities and changes in lobbying activities.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 305 of Government Code to require an individual registering as a lobbyist to file an amended registration if there is a change in the information required to be reported to the Texas Ethics Commission. In addition, the bill would require an amended registration to be filed during a legislative session if there is a change in: (1) the person who reimburses, retains, or employs the registrant; or (2) the subject matter about which the registrant has communicated directly with the legislative member. The amended registration would have to be filed no later than the fifth day after the date of the first direct communication with a member of the legislative or executive branch. Finally, the bill would require the Texas Ethics Commission to make available on its website the amended registration not later than the next business day after the date the amended registration is filed.

It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect September 1, 2011, or immediately with two-thirds vote of all members of the Legislature.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, KK, KJG, JT, MS, DEH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3409 by Kolkhorst (Relating to reporting of lobbying activities and changes in lobbying activities.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 305 of Government Code to require an individual registering as a lobbyist to file an amended registration if there is a change in the information required to be reported to the Texas Ethics Commission. In addition, the bill would require an amended registration to be filed during a legislative session if there is a change in: (1) the person who reimburses, retains, or employs the registrant; or (2) the subject matter about which the registrant has communicated directly with the legislative member. The amended registration would have to be filed no later than the fifth day after the date of the first direct communication with a member of the legislative or executive branch. Finally, the bill would require the Texas Ethics Commission to make available on its website the amended registration not later than the next business day after the date the amended registration is filed.

It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect September 1, 2011, or immediately with two-thirds vote of all members of the Legislature.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, KJG, JT, MS, DEH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 5, 2011

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3409 by Kolkhorst (Relating to reporting of changes in lobbying activities during a legislative session.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 305 of Government Code to require an individual registering as a lobbyist to file an amended registration if there is a change in the information required to be reported to the Texas Ethics Commission. In addition, the bill would require an amended registration to be filed during a legislative session if there is a change in: (1) the person who reimburses, retains, or employs the registrant; or (2) the subject matter about which the registrant has communicated directly with the legislative member. The amended registration would have to be filed no later than the fifth day after the date of the first direct communication with a member of the legislative or executive branch. Finally, the bill would require the Texas Ethics Commission to make available on its website the amended registration not later than the next business day after the date the amended registration is filed.

It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect September 1, 2011, or immediately with two-thirds vote of all members of the Legislature.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, KJG, JT, MS, DEH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 17, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: **HB3409** by Kolkhorst (relating to reporting of changes in lobbying activities during a legislative session.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 305 of Government Code to require an individual registering as a lobbyist to file an amended registration if there is a change in the information required to be reported to the Texas Ethics Commission. In addition, the bill would require an amended registration to be filed during a legislative session if there is a change in: (1) the person who reimburses, retains, or employs the registrant; or (2) the subject matter about which the registrant has communicated directly with the legislative member. The amended registration would have to be filed no later than the fifth day after the date of the first direct communication with a member of the legislative or executive branch. Finally, the bill would require the Texas Ethics Commission to make available on its website the amended registration not later than the next business day after the date the amended registration is filed.

It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect September 1, 2011, or immediately with two-thirds vote of all members of the Legislature.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, JT, MS, DEH

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3409 by Kolkhorst (Relating to filing amended statements reflecting change in lobby registration; creating an offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 305 of Government Code to require an individual registering as a lobbyist to file an amended registration if there is a change in the information required to be reported to the Texas Ethics Commission. In addition, the bill would require an amended registration to be filed during a legislative session if there is a change in: (1) the person who reimburses, retains, or employs the registrant; or (2) the subject matter about which the registrant has communicated directly with the legislative member. Finally, the bill would require the Texas Ethics Commission to make available on its website the amended registration not later than the next business day after the date the amended registration is filed.

It is anticipated that any additional costs associated with implementation of the legislation could be absorbed within existing resources. The bill would take effect September 1, 2011, or immediately with two-thirds vote of all members of the Legislature.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 356 Texas Ethics Commission

LBB Staff: JOB, JT, MS, DEH

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 20, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3409 by Kolkhorst (
relating to reporting of changes in lobbying activities during a legislative session.
), **Committee Report 1st House, Substituted**

The bill would amend the Government Code as it related to filing amended statements reflecting change in lobby registration. The provisions of the bill that enhance existing punishment or create new punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, intentionally or knowingly failing to amend certain registration during the legislative session would be a Class A Misdemeanor.

A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and/or a fine not to exceed \$4,000.

Creating a penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, GG, LM, ADM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

April 10, 2011

TO: Honorable Larry Taylor, Chair, House Committee on Elections

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB3409 by Kolkhorst (Relating to filing amended statements reflecting change in lobby registration; creating an offense.), **As Introduced**

The bill would amend the Government Code as it related to filing amended statements reflecting change in lobby registration. The provisions of the bill that enhance existing punishment or create new punishment for criminal offenses are the subject of this analysis. Under the provisions of the bill, intentionally or knowingly failing to amend certain registration during the legislative session would be a Class A misdemeanor.

A Class A Misdemeanor is punishable by confinement in county jail for a term not to exceed one year and/or a fine not to exceed \$4,000.

Creating a penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the State due to longer terms of probation, or longer terms of confinement in county jails or prison. For this analysis, it is assumed the number of offenders convicted under this statute would not result in a significant impact on the programs and workload of State corrections agencies or on the demand for resources and services of those agencies.

Source Agencies:

LBB Staff: JOB, LM