

## **BILL ANALYSIS**

Senate Research Center  
83R8554 CAE-D

H.B. 2984  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law permits lobbyists to collaborate in making joint expenditures to pay for lobby activities. Interested parties have noted that when a lobbyist splits an expenditure with a person who is not a registered lobbyist, the lobbyist must report both the lobbyist's portion and the nonregistrant's portion of the expenditure. There is concern that the law is ambiguous with respect to whether the portion of a joint expenditure reported by a lobbyist on behalf of the nonregistrant specifically qualifies for the defense to prosecution for bribery and for the exemption from application of the provisions governing gifts to public servants available for certain properly reported lobby expenditures. H.B. 2984 seeks to address this concern and clarify current law by allowing the defense to prosecution under the bribery statute and exemption from application of the provisions governing gifts to public servants to be applied to the portion of a lobby expenditure reported by a lobbyist on behalf of a nonregistrant.

H.B. 2984 amends the Government Code to clarify, for the purposes of Penal Code provisions relating to bribery and the applicability of restrictions on gifts to public servants, that a person who is not a registered lobbyist who makes a joint expenditure on behalf of a registered lobbyist is not considered to have made an expenditure.

H.B. 2984 amends current law relating to lobbying expenditures that are made jointly.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amend Section 305.0021(b) Government Code, as follows:

(b) Provides that for the purposes of Section 36.02 (Bribery) or 36.10 (Non-Applicable), Penal Code, a person described by Subsection (a)(2)(A) (relating to providing that the amount of an expenditure made by or on behalf of the registrant for purposes of this chapter includes the amount of any portion of any portion of the joint expenditure that is made on behalf of the registrant by a person who is not a registrant) is not considered to have made an expenditure in accordance with this chapter. Deletes existing text providing that for the purposes of Section 36.02 or 36.10, Penal Code, the amount of a joint expenditure that is attributed to a person who is not a registrant is not an expenditure made and reported in accordance with this chapter.

SECTION 2. Provides that the amendment made by this Act to Section 305.0021(b), Government Code, is intended to clarify rather than change existing law.

SECTION 3. Effective date: September 1, 2013.