

By: Smithee

H.B. No. 3447

A BILL TO BE ENTITLED

AN ACT

relating to the content of detailed reports filed by lobbyists and to monetary limits on expenditures by lobbyists.

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

SECTION 1. Section 305.0061, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (h) and (i) to read as follows:

(a) If a registrant or a person on the registrant's behalf and with the registrant's consent or ratification makes expenditures that exceed 30 [~~60~~] percent of the amount of the legislative per diem in a day for transportation or lodging for a member of the legislative or executive branch or for the immediate family of a member of the legislative or executive branch, the registrant shall also state the following on the report filed under Section 305.006:

(1) the name of the member of the legislative or executive branch in whose behalf the expenditure is made;

(2) the place and date of the transportation or lodging; and

(3) the purpose of the transportation or lodging.

(b) If a registrant or a person on the registrant's behalf and with the registrant's consent or ratification makes expenditures that exceed 30 [~~60~~] percent of the amount of the legislative per diem in a day for food and beverages for a member of

1 the legislative or executive branch or for the immediate family of a
2 member of the legislative or executive branch or makes expenditures
3 that exceed 30 [~~60~~] percent of the amount of the legislative per
4 diem in a day for entertainment for a member of the legislative or
5 executive branch or for the immediate family of a member of the
6 legislative or executive branch, the registrant shall also state
7 the following on the report filed under Section 305.006:

8 (1) the name of the member of the legislative or
9 executive branch in whose behalf the expenditure is made;

10 (2) the place and date of the expenditure; and

11 (3) the amount of the expenditure by the appropriate
12 category of the amount, as determined by the commission.

13 (c) If a registrant or a person on the registrant's behalf
14 and with the registrant's consent or ratification gives to a member
15 of the legislative or executive branch, or to the immediate family
16 of a member of the legislative or executive branch, a gift or an
17 award or memento, the value of which exceeds \$50 per gift, award, or
18 memento, the registrant shall also state the following on the
19 report filed under Section 305.006:

20 (1) the name of the member of the legislative or
21 executive branch in whose behalf the expenditure is made;

22 (2) a general description of the gift, award, or
23 memento; and

24 (3) the amount of the expenditure by the appropriate
25 category of the amount, as determined by the commission.

26 (h) If more than one registrant or persons acting on behalf
27 of more than one registrant and with each registrant's consent or

1 ratification collaborate to make an expenditure described by
2 Section 305.006(b) together, each registrant shall report the total
3 amount of the shared expenditure as required by Subsection (a) or
4 (b), if the total amount of the shared expenditure exceeds the
5 amount provided under Subsection (a) or (b).

6 (i) If more than one registrant or persons acting on behalf
7 of more than one registrant and with each registrant's consent or
8 ratification collaborate to make an expenditure described by
9 Section 305.006(b) together, each registrant shall report the total
10 value of the shared expenditure as required by Subsection (c), if
11 the total value of the shared expenditure exceeds the amount
12 provided under Subsection (c).

13 SECTION 2. Section 305.024(a), Government Code, as amended
14 by Chapters 92 (S.B. 1011) and 206 (H.B. 1508), Acts of the 79th
15 Legislature, Regular Session, 2005, is reenacted and amended to
16 read as follows:

17 (a) Except as provided by Section 305.025, a person
18 registered under Section 305.005 or a person on the registrant's
19 behalf and with the registrant's consent or ratification may not
20 offer, confer, or agree to confer:

21 (1) to an individual described by Section
22 305.0062(a)(1), (2), (3), (4), or (5):

23 (A) a loan, including the guarantee or
24 endorsement of a loan; or

25 (B) a gift of cash or a negotiable instrument as
26 described by Section 3.104, Business & Commerce Code; or

27 (2) to an individual described by Section

1 305.0062(a)(1), (2), (3), (4), (5), (6), or (7):

2 (A) an expenditure for transportation and
3 lodging;

4 (B) an expenditure or series of expenditures for
5 entertainment that in the aggregate exceed \$500 in a calendar year;

6 (C) an expenditure or series of expenditures for
7 gifts that in the aggregate exceed \$500 in a calendar year;

8 (D) an expenditure for an award or memento that
9 exceeds \$500; or

10 (E) an expenditure described by Section
11 305.006(b)(1), (2), (3), or (6) unless:

12 (i) ~~[(A)]~~ the registrant is present at the
13 event; or

14 (ii) ~~[(B)]~~ the expenditure is for a gift of
15 food or beverages required to be reported under Section
16 305.006(b)(4) in accordance with Section 305.0061(e-1).

17 SECTION 3. Section 305.024, Government Code, is amended by
18 adding Subsection (d) to read as follows:

19 (d) The registrant shall notify a member of the legislative
20 or executive branch when the registrant has reported, as to that
21 member of the legislative or executive branch, expenditures that,
22 in the aggregate, equal the monetary limits for expenditures under
23 Subsection (a)(2).

24 SECTION 4. Section 305.031(a), Government Code, is amended
25 to read as follows:

26 (a) A person commits an offense if the person intentionally
27 or knowingly violates a provision of this chapter other than

1 Section 305.022, 305.024(d), or 305.028. An offense under this
2 subsection is a Class A misdemeanor.

3 SECTION 5. Section 305.024(c), Government Code, is
4 repealed.

5 SECTION 6. The changes in law made by this Act apply only to
6 a gift, award, or memento given to or expenditures for
7 transportation, lodging, food, beverages, or entertainment made
8 for a member of the legislative or executive branch or the immediate
9 family of a member of the legislative or executive branch on or
10 after the effective date of this Act. A gift, award, or memento
11 given to or an expenditure for transportation, lodging, food,
12 beverages, or entertainment made for a member of the legislative or
13 executive branch or the immediate family of a member of the
14 legislative or executive branch before the effective date of this
15 Act is governed by the law in effect on the date the gift, award, or
16 memento was given, or the date the expenditure for transportation,
17 lodging, food, beverages, or entertainment was made, and the former
18 law is continued in effect for that purpose.

19 SECTION 7. This Act takes effect January 12, 2021.