

Prohibiting former county, district officers in Harris County from lobbying

SB 2468 by Gallegos (Coleman)

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DIGEST: SB 2468 would have prohibited, in a county with a population of at least 3.3 million (Harris County), a former local government officer from lobbying an officer or employee of the governing body on or under which the former officer served before the second anniversary of the date the local government officer ceased to serve on or under that governing body. A former local government officer would have been prohibited from representing any person or receiving compensation for services rendered on behalf of any person regarding a particular matter in which the former local government officer participated during the period of service as a local government officer. A local government officer would have meant a member of the Harris County commissioners court or other county officer, an officer of a precinct, or a member of the governing board of a flood control district or hospital district, all or part of which was in Harris County.

A violation of these provisions would have been a Class C misdemeanor (maximum fine of \$500).

GOVERNOR'S REASON FOR VETO:

“Senate Bill No. 2468 is a piecemeal approach to addressing the issue of lobbying at the county and municipal level. The bill’s restrictions on local government officers only apply to Harris County. However, if local lobbying is an issue for one Texas political subdivision, then the Legislature should consider the issue on a state-wide basis to avoid creating differing and confusing standards of ethical conduct. The Texas Constitution prohibits criminal penalties that apply in one part of the state but not in other parts. This bill would have created that unconstitutional situation.”

“The regulation of lobbying by former state officers and employees is governed by Government Code Section 572.054, which is under the jurisdiction of the Ethics Commission. I urge the sponsors of this bill to work with the Ethics Commission over the interim to develop appropriate language, similar to that found in Section 572.054, for legislative consideration that would apply uniform lobbying standards to all levels of Texas government.”

RESPONSE: **Sen. Mario Gallegos**, the bill’s author, said: “Senate Bill 2468 was an attempt to bring ethics reform to the county level by prohibiting former county officials from immediately becoming lobbyists, requiring them to wait until the second anniversary of leaving office to lobby their former place of work. The intent of the bill was simple — it was meant to stop the revolving door between official and lobbyist at the county level. Laws regulating the lobbying practices of former state-level officials are already in statute. Senate Bill 2468 attempted to mirror those current laws and apply them to county-level officials. I am disappointed Governor Perry vetoed this

bill, thereby derailing legitimate efforts to enact much needed county-level ethics reform.

“In Governor Perry’s explanation of the veto, he cites that Senate Bill 2468 was a ‘piecemeal’ approach to ethics reform in Texas. I am puzzled that the governor felt it necessary to veto a bill that was a positive step towards ethics reform at the county level — especially after the governor’s staff assured me that they did not have any issues with the bill. While Senate Bill 2468 was a local bill, only applicable to Harris County, I do not view it as a ‘piecemeal’ approach to reform. Senate Bill 2468 would have given Harris County the opportunity to serve as a model of ethics reform for other counties to follow. As the most populous county in the state, I believe it is important for Harris County to act as a leader for ethical conduct. I believe that Senate Bill 2468 would have been a positive first step towards county-level ethics reform, because it closely mirrored state-level ‘revolving door’ language already in statute.

“The governor also stated in his veto proclamation his belief that the measure was unconstitutional. However, during the legislative session, his office worked with my staff in developing the legislation to allay any concerns that the governor may have had with the bill. Up until the day the bill was vetoed, I was assured that it had the governor’s approval. Senate Bill 2468 passed through both the Senate and House with minimal opposition.”

Rep. Garnet Coleman, the House sponsor, said: “Under current state law there are no revolving door limitations on the post-employment activities of county and other local officials and employees. SB 2468 would have helped prevent undue influence from former local and county officials or employees in Harris County by prohibiting them from lobbying in their former workplace for two years. This bill would have mirrored current state law regulating the post-employment activities of former state officials and employees.

It shouldn’t be a surprise that Governor Perry would veto a bill that closed the revolving door of employees on the local level where individuals have rotated in and out of county government and the private sector. These actions send a bad message to Texans when it appears that their government works for the highest bidder instead of its own constituents.

“It could be possible that Governor Perry does not want to draw attention to his own office’s revolving door. He calls the legislation a piecemeal approach to the issue of county lobbying and claims he wants to avoid creating differing and confusing standards of ethical conduct. This leaves only the standard that his own office has set, which is that of a revolving door. Ethical behavior in one area of government shouldn’t have to wait for the rest of the state to catch up.

“I think the governor is well aware of these circumstances given the number of employees he has had that have rotated from the public sector, to the private sector and back again. He vetoed this bill on the same day he named a former lobbyist that was a former employee of his to his chief of staff position (1, 2).

“At least 17 former Perry aides are now registered lobbyists, according to a Dallas Morning News report (3). This includes a former state representative that formed a lobby firm, left to be Governor Perry’s chief of staff from 2002-2004, and then returned to his lobby practice (4). He was followed by another former state representative that had become a lobbyist and returned to serve as legislative director until returning to the private sector (5).”

Sources:

1. Press Release: Gov. Perry Names Sullivan Chief of Staff, <http://governor.state.tx.us/news/press-release/12606/>
2. Texas Ethics Commission Registration, Ray Sullivan, <http://www.ethics.state.tx.us/tecd/lobcon2009d.htm>
3. Dallas Morning News, Jan 6, 2009 <http://www.dallasnews.com/sharedcontent/dws/news/longterm/stories/010609dnproson1revolve.2c8f642.html>
4. http://www.dallasnews.com/sharedcontent/dws/img/01-09/0104PRO_toomey.pdf
5. <http://governor.state.tx.us/news/appointment/5098/>

NOTES: SB 2468 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.