

## **BILL ANALYSIS**

Senate Research Center

H.B. 3149  
By: Wilson (Harris)  
Administration  
5/9/2003  
Committee Report (Amended)

### **DIGEST AND PURPOSE**

As enacted by the Texas Legislature in 2001, certain provisions of the Government Code that are intended to govern conflicts of interest for registrants under the Lobby Act are patterned after the State Bar of Texas Disciplinary Rule of Professional Conduct, which governs conflicts of interest for attorneys. For some, however, these provisions have not resulted in clear guidance for lobbyists or for the Texas Ethics Commission, the state agency charged with the Lobby Act's enforcement. H.B. 3149 clarifies certain conflict of interest provisions for registrants under the Lobby Act.

### **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. Amends Sections 305.028(a), (b), (c), and (f), Government Code, as follows:

- (a) Defines "client," "matter," and "person associated with the registrant" or "other associated person."
- (b) Prohibits a registrant, except as permitted by Subsection (c), from representing a client, rather than opposing parties, in communicating directly with a member of the legislative or executive branch to influence legislative subject matter, rather than the same legislation, or administrative action if the representation of that client, rather than person, concerns certain matters.
- (c) Authorizes a registrant to represent a client in the circumstances described in Subsection (b), rather than (a), if certain criteria exists.
- (f) Requires a registrant, in each report filed with the Texas Ethics Commission, to, under oath, affirm that the registrant has, to the best of the registrant's knowledge, complied with this section.

SECTION 2. Repealer: Section 305.031(c) (Criminal Penalties), Government Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2003.

### **LIST OF COMMITTEE AMENDMENTS**

Committee Amendment No. 1:

On page 1, line 10, between "employed" and "to", insert "by a client".

On page 2, line 17, between "concern's" and "or", insert "own interest".

On page 2, line 18, between “own” and “interests”, insert “business”.