

BILL ANALYSIS

Senate Research Center
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S.B. 424
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

"Revolving door" is a term commonly used to describe a potentially corrupting interrelationship between the private sector and public services through which former lawmakers and government employees use their connections and knowledge to advance the policy and regulatory interests of industry clients. Most states have passed broad laws restricting former members of a governor's staff from lobbying the legislature or other entities in state government in an attempt to stop the "revolving door." While Governor Rick Perry has had an ethics policy prohibiting executive staff from lobbying the Office of the Governor for one year and one legislative session after the staff member leaves, this bar does not extend to lobbying the legislature or state agencies. Additionally, this policy is not state law.

As proposed, S.B. 424 prohibits a former member of the governor's executive staff from engaging in activities that require registration as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, for a period of one year after leaving the governor's office.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 572, Government Code, by adding Section 572.062, as follows:

Sec. 572.062. LOBBYING BY FORMER EMPLOYEE OF GOVERNOR RESTRICTED; CRIMINAL OFFENSE. (a) Defines "administrative action" and "member of the governor's executive staff."

(b) Prohibits a former member of the governor's executive staff, except as provided by Subsection (c), from engaging in activities that require registration under Chapter 305 (Registration of Lobbyists), Government Code, before the first anniversary of the date the person's employment by the governor ends.

(c) Provides that Subsection (b) does not apply to a former member of the governor's executive staff who is an officer of or is employed by a governmental entity or a hospital or institution of higher education that is exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986, and who communicates directly with a member of the legislative or executive branch only to influence legislation or administrative action on behalf of the entity described in this section to which the person serves or is employed.

(d) Provides that a person who knowingly violates this section commits a Class A misdemeanor.

(e) Authorizes the Texas Ethics Commission to impose a civil penalty of no more than \$50,000 against a person who knowingly violates this section. Provides that this subsection applies in addition to any other sanction for a violation of this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.