

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3409
By: Kolkhorst (Williams)
State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been observed that during the final months of a legislative session, when bills are passing or failing to pass every hour, lobbyists are often hired to help or hinder the passage of particular bills. Since lobbyists are required to file their activity reports with the Texas Ethics Commission on a monthly basis, under these circumstances a lobbyist may work for only a few weeks for a new client without publicly acknowledging that lobbying activity.

C.S.H.B. 3409 proposes to address this situation by requiring more frequent reporting by lobbyists during a legislative session.

C.S.H.B. 3409 amends current law relating to reporting of lobbying activities and changes in lobbying activities.

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 Section 305.005(k), Government Code, to require the registrant, if there is a change in the information required to be reported by a registrant under this section, other than Subsection (h) (requiring that the registration form, if a registrant's activities are done on behalf of the members of a group or organization, including a business, trade, or consumer interest association but excluding a corporation, include certain information) or (i) (requiring that the registration form, if a registrant's activities are done on behalf of a corporation the shares of which are not publicly traded, include certain information), and that changed information is not timely reported on a report due under Section 305.007 (Filing Dates for Supplemental Reports), to file an amended registration, rather than an amended statement, reflecting the change with the Texas Ethics Commission (TEC) not later than the date on which an amended registration is due under Section 305.0065 or the next report is due under Section 305.007, as applicable.

SECTION 2. Amends Subchapter A, Chapter 305, Government Code, by adding Section 305.0065, as follows:

Sec. 305.0065. AMENDED REGISTRATION DURING LEGISLATIVE SESSION. (a) Provides that this section applies only during the period beginning on the date a regular legislative session convenes and continuing through the date of final adjournment.

(b) Requires a registrant to file with TEC an amended registration if there is a change in:

(1) the person who reimburses, retains, or employs the registrant and on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action; or

(2) the subject matter about which the registrant has communicated directly with a member of the legislative or executive branch.

(c) Requires that the amended registration be written and verified and contain the information required in Section 305.005 (Registration).

(d) Requires the registrant to file the amended registration not later than the fifth day after the date on which the registrant, any person the registrant retains or employs to appear on the registrant's behalf, or any other person appearing on the registrant's behalf makes the first direct communication with a member of the legislative or executive branch:

(1) on behalf of a person not included in the registrant's registration, the registrant's last activity report, or any other registration and who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; or

(2) about any subject matter not included in the registrant's registration, the registrant's last activity report, or any other registration.

SECTION 3. Amends Section 305.006, Government Code, by adding Subsection (g), as follows:

(g) Provides that for expenditures required to be reported under this section, the authorized expenditures described by Sections 305.025(3) (providing that Section 305.024 (Restrictions on Expenditures) does not prohibit necessary expenditures for transportation and lodging when the purpose of the travel is to explore matters directly related to the duties of a member of the legislative or executive branch, such as fact-finding trips, including attendance at informational conferences or an event described by Subdivision (4), but not including attendance at merely ceremonial events or pleasure trips) and (4) (providing that Section 305.024 does not prohibit necessary expenditures for transportation, lodging, food and beverages, and entertainment provided in connection with a conference, seminar, educational program, or similar event in which the member renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory) include expenditures for an individual described by Sections 305.0062(a)(1)-(6) (requiring that the expenditures be stated in certain categories including state senators, state representatives, elected or appointed state officers other than those described Subdivisions (1) and (2), legislative agency employees, the immediate family of a member of the legislative or executive branch).

SECTION 4. Amends Section 305.009, Government Code, by adding Subsection (e), to require TEC to make available on its website an amended registration filed under Section 305.0065 not later than the next business day after the date the amended registration is filed.

SECTION 5. Effective date: September 1, 2011.