

BILL ANALYSIS

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S.B. 503
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Lobbyists are paid by clients for the purposes of influencing legislation or administrative action. Given that lobbyists get paid to advance the interests of their clients, sometimes to the exclusion of others, interested parties observe that these individuals should not be qualified to run for elective office. Allowing lobbyists to serve in elective office creates the potential appearance of a conflict of interest where, while an individual is elected to serve their constituents, they are paid to represent their clients. The appearance -- be it real or perceived -- of a conflict of interest can tarnish the deliberative functions of a governing body, including those relating to policy-making, budgeting, and the procurement of goods and services. As introduced, S.B. 503 prohibits a person who is required to register as a lobbyist with the Texas Ethics Commission from being qualified to run for office. This change prevents the appearance of a conflict of interest within elected bodies.

Just as lobbyists should not be allowed to run for office, interested parties observe that elected officials should not register as lobbyists. In addition to the issue of a real or perceived conflict of interest, allowing elected officials to lobby creates the appearance where an official may accrue lucrative lobby contracts by virtue of their elected status. The intent of S.B. 503 is to establish a bright line prohibiting elected officials from lobbying.

S.B. 503 bars a registered Texas lobbyist from serving in elected office. The bill does not preclude a person who is no longer a registered lobbyist from seeking elected office.

As proposed, S.B. 503 amends current law relating to the prohibition on lobbying by certain elected officers.

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 141.001, Election Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

(a) Requires a person, to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, to:

(7) not be required to be registered as a lobbyist; and

(8) creates this subdivision from existing text and makes no further changes.

(e) Provides that, except as restricted by Section 7.103(c), Education Code, if applicable, Subsection (a)(7) does not apply to an office of a political subdivision with a population of 150,000 or less, other than the office of the presiding officer of the governing body of the subdivision or the office of the presiding officer of the governing body of a political subdivision, with a population of 50,000 or less, provided that the officer does not receive a salary or wage for the office.

(f) Provides that, for purposes of Subsection (e), a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office.

SECTION 2. Amends Subchapter A, Chapter 305, Government Code, by adding Section 305.0031, as follows:

Sec. 305.0031. CERTAIN ELECTED OFFICERS MAY NOT REGISTER. (a) Prohibits a member of Congress, a member of the legislature, or a holder of a statewide office from registering under this chapter (Registration of Lobbyists).

(b) Provides that a registration expires on the date a person takes office as a member of Congress, a member of the legislature, or a holder of a statewide office.

SECTION 3. Amends Chapter 601, Government Code, by adding Section 601.010, as follows:

Sec. 601.010. ELECTED OFFICER MAY NOT BE REGISTERED LOBBYIST. (a) Prohibits a person from qualifying for a public elective office if the person is required to be registered as a lobbyist.

(b) Provides that Subsection (a), except as restricted by Section 7.103(c) (relating to eligibility for membership of a person who is required to register as a lobbyist), Education Code, if applicable, does not apply to certain offices.

(c) Provides that, for purposes of Subsection (b), a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office.

SECTION 4. Makes application of Section 141.001(a), Election Code, as amended by this Act, and Section 601.010, Government Code, as added by this Act, prospective. .

SECTION 5. Effective date: January 8, 2019.