

## **BILL ANALYSIS**

C.S.S.B. 504  
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General Investigating & Ethics  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties are concerned that the absence of a prohibition against former legislators engaging in lobbying activities for a period of time following their retirement from legislative office may adversely affect the public's confidence in the legislature. C.S.S.B. 504 seeks to provide such a prohibition.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 504 amends the Government Code to prohibit a former member of the legislature from engaging in activities that require registration under statutory provisions relating to lobbyist registration before the first anniversary of the first day of the first regular legislative session to convene after the person ceases to be a member. The prohibition does not apply to a former member who does not receive compensation other than reimbursement for actual expenses for communicating directly with a member of the legislative or executive branch to influence legislation or administrative action. The bill creates a Class B misdemeanor offense for a former member who violates the bill's provisions. The bill applies only to a member of the legislature who ceases to be a member after the bill's effective date.

### **EFFECTIVE DATE**

January 8, 2019.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 504 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

SECTION 1. Subchapter C, Chapter 572,

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter C, Chapter 572,

85R 31837

17.137.881

Substitute Document Number: 85R 30796

Government Code, is amended by adding Section 572.062 to read as follows:

Sec. 572.062. FORMER LEGISLATOR: LOBBYING RESTRICTED; CRIMINAL OFFENSE.

(a) In this section:

(1) "Administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(2) "Legislative cycle" means the two-year period beginning on the first day of a regular legislative session and ending on the day before the first day of the succeeding regular legislative session.

(b) Except as provided by Subsection (c), a former member of the legislature may not engage in activities that require registration under Chapter 305 before the end of the legislative cycle following the legislative cycle in which the former member last served as a member of the legislature.

(c) Subsection (b) does not apply to a former member who does not receive compensation other than reimbursement for actual expenses for communicating directly with a member of the legislative or executive branch to influence legislation or administrative action.

(d) A former member who violates this section commits an offense. An offense under this section is a Class B misdemeanor.

SECTION 2. Section 572.062, Government Code, as added by this Act, applies only to a member of the legislature who ceases to be a member after the effective date of this Act.

SECTION 3. This Act takes effect January 8, 2019.

Government Code, is amended by adding Section 572.062 to read as follows:

Sec. 572.062. FORMER LEGISLATOR: LOBBYING RESTRICTED; CRIMINAL OFFENSE.

(a) In this section,

"administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" have the meanings assigned by Section 305.002.

(b) Except as provided by Subsection (c), a former member of the legislature may not engage in activities that require registration under Chapter 305 before the first anniversary of the first day of the first regular legislative session to convene after the person ceases to be a member.

(c) Subsection (b) does not apply to a former member who does not receive compensation other than reimbursement for actual expenses for communicating directly with a member of the legislative or executive branch to influence legislation or administrative action.

(d) A former member who violates this section commits an offense. An offense under this section is a Class B misdemeanor.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.