

- SUBJECT:** Identifying certain persons employed to assist a registered lobbyist
- COMMITTEE:** Elections — committee substitute recommended
- VOTE:** 6 ayes — T. Smith, Peña, Allen, Anchia, B. Brown, Heflin
0 nays
3 absent — Bohac, Bonnen, Harper-Brown
- WITNESSES:** For — Jack Gullahorn, Professional Advocacy Association of Texas
Against — None
- BACKGROUND:** Government Code, sec. 305 regulates the registration of lobbyists. Sec. 305.005 requires a person who is required to register as a lobbyist to file a registration form and pay a fee with the Texas Ethics Commission. The registration must contain specified information about the registrant, including who employs the registrant and on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation. The subject matter of the legislation about which the registrant communicated also is required.
- A registrant also must list as an assistant any person who assists the registrant in communicating for the registrant's client with the legislative or executive branch.
- DIGEST:** CSHB 3715 would state that a person registering as a lobbyist was not required to include information about a person hired as an assistant if the assistant also was registered as a lobbyist for the same client as the registrant.
- The bill would state that information about a person hired to assist the registrant, including someone hired by the registrant's employer to assist the registrant, would have to be included on a lobbyist's registration form.
- The bill would require the Texas Ethics Commission to maintain through the Internet a searchable database that included the name of each person employed or retained to assist the registrant as required by the bill.

The bill would apply to a registration or renewal registration required to be filed on or after September 1, 2009. The Texas Ethics Commission would have to establish the searchable database by January 1, 2010.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 3715 would help to clarify certain confusing provisions of the Government Code that regulate the registration process for lobbyists. The Texas Ethics Commission (TEC) has issued a rule and an opinion and has included information in the TEC Lobby Guide about additional reporting requirements that are not clearly set out in the Government Code. The bill would clarify and streamline guidelines for the regulated lobby community on how to comply with the rules for reporting assistants.

The bill would clear up issues on the reporting of assistants by providing that a primary registrant did not need to list a person as an assistant if the person was also a registered lobbyist and the information reported in the primary registrant's registration was also included in the other person's registration. In other words, an assistant who was a registered lobbyist for a common employer would not have to be reported again.

According to the Texas Administrative Code (1 TAC, part 2, sec. 34.63), the term "assistant" includes any person who provides administrative or research assistance to the registrant but does not include a person who provides only clerical or secretarial help. This rule also says that the statutory requirement that an assistant be someone "employed or retained by the registrant" includes an individual employed by the same employer as the registrant, who therefore should be listed. This is not clearly stated in the Government Code.

Likewise, Ethics Advisory Opinion No. 162 says that registrants not only have to list as assistants the people they employ, but they have to include those who are employed by someone who also employs the registrant, including other lobbyists already registered for the same client. This is not clearly set out in the Government Code, and the bill would clarify this.

In the interest of more transparency in lobby reporting, the Texas Ethics Commission would have to include individuals who were listed as assistants in a searchable data base. Public interest groups or anyone else

who was interested could find out which assistants worked for which lobbyists.

**OPPONENTS
SAY:**

The bill is ambiguous with respect to the circumstances under which an assistant would not have to be listed on a registrant's registration form.

NOTES:

The committee substitute differs from the bill as filed by omitting a provision that would extend the registration requirements to a person employed or retained to assist a registrant that was a business entity and by omitting a provision requiring the searchable database to include each client of a person assisting a registrant.