

## **BILL ANALYSIS**

Senate Research Center  
76R12417 ESH-F

C.S.S.B. 1517  
By: Brown  
State Affairs  
4/19/1999  
Committee Report (Substituted)

### **DIGEST**

Many times business, interest groups, and political associations create certain organizations as a tool to help promote their interest in the legislature. These organizations conduct political surveys and distribute literature promoting the results of their surveys as reasons to support their interests. Legislators cannot decipher through the distributed literature who the interested group represents, or gauge whether the submitted information is unbiased. C.S.S.B. 1516 would require the registration of persons providing results of certain political surveys to the legislature and would provide civil and criminal penalties.

### **PURPOSE**

As proposed, C.S.S.B. 1517 requires the registration of persons providing results of certain political surveys to the legislature and provides civil and criminal penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Ethics Commission in SECTION 1 (Section 305.057, Chapter 305D, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 305, Government Code, by adding Subchapter D, as follows:

#### **SUBCHAPTER D. REGISTRATION OF PERSONS SURVEYING MEMBERS OF LEGISLATURE**

Sec. 305.051. DEFINITION. Defines “entity” and “survey.”

Sec. 305.052. REGISTRATION REQUIRED; EXEMPTION. Prohibits an entity from conducting a survey of members for the legislature unless the entity registers with Texas Ethics Commission (commission) as provided by this subchapter. Provides that this chapter does not apply to certain persons and organizations.

Sec. 305.053. APPLICATION FOR REGISTRATION. Requires an entity desiring to register under this subchapter to file an application for registration with the commission not later than the 30th day before the date the person intends to begin conducting a survey of members of the legislature. Requires the application to be written and verified and to include certain information. Requires the commission, not later than the 10th day after the date the commission accepts the application, to issue the person a registration certificate if certain requirements have been met.

Sec. 305.054. EXPIRATION; RENEWAL OF REGISTRATION. Provides that a registration under this subchapter expires on the fifth anniversary of the date the commission issues the registration certificate. Requires a person who holds an unexpired registration to file a renewal of registration if the information contained in the person’s most recent registration is no longer accurate. Requires an application for renewal of registration to include the information prescribed by Section 305.053 for an original registration.

Sec. 305.055. FEE. Requires an application for registration or renewal of registration under this subchapter to be accompanied by a fee. Requires the commission to set a fee in an amount sufficient to pay the cost of administering this subchapter. Provides that an institution of higher education or a person controlled by an institution of higher education is exempt from the

requirements of this section.

Sec. 305.056. CONDUCTING SURVEY. Requires a survey requesting information from members of the legislature to include certain items.

Sec. 305.057. CIVIL PENALTY FOR FAILURE TO REGISTER. Requires an entity that knowingly conducts a survey of members of the legislature without complying with this subchapter to pay a civil penalty in an amount determined, by rule, of the commission but not to exceed \$10,000.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Chapter 305D, Government Code, to provide new heading.

Amends Section 305.051, Government Code, set forth new definitions.

Amends Section 305.052, Government Code, to provide a new heading. Prohibits an entity from conducting a survey of members of the legislature unless the entity registers with the commission as provided by this subchapter, rather than providing the results of a political survey to a member of the legislative branch. Provides that this chapter does not apply to certain persons and organizations.

Amends Section 305.053, Government Code, to require an entity to file an application by a certain date that the entity intends to begin conducting a survey of members of the legislature. Requires the application to be written and verified and to include certain information.

Amends Section 305.055, Government Code, to provide that an institutions of higher education is exempt from the requirements of this section.

Deletes proposed Section 305.056, Government Code, regarding offenses. Adds a new Section 305.056 requiring a survey requesting information from members of the legislature to include certain items.

Amends Section 305.057, Government Code, to require an entity that knowingly conducts a survey of members of the legislature branch without complying with this subchapter to pay a civil penalty in an amount determined, by rule, of the commission but not to exceed \$10,000.