

BILL ANALYSIS

Senate Research Center
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S.B. 1254
By: Davis
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1254 places restrictions on the ability of an appointed officer or executive head of a state agency to leave his or her state post and immediately begin lobbying.

The restrictions in the bill will prohibit a person described above from lobbying for a period of two years after ceasing to be an officer or executive head.

As proposed, S.B. 1254 amends current law relating to lobbying by former state agency officers and executive heads and creates an offense.

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 Subchapter C, Chapter 572, Government Code, by adding Section 572.069, as follows:

Sec. 572.069. FORMER OFFICERS AND EXECUTIVE HEADS OF STATE AGENCIES: LOBBYING RESTRICTED; CRIMINAL OFFENSE. (a) Defines "administrative action," "communicates directly with," "legislation," "member of the executive branch," and "member of the legislative branch" in this section.

(b) Prohibits a former appointed officer of a state agency or a former executive head of a state agency, except as provided by Subsection (c), from engaging in activities that require registration under Chapter 305 (Registration of Lobbyists) before the second anniversary of the date the person ceases to be an officer or executive head.

(c) Provides that Subsection (b) does not apply to a former appointed officer of a state agency or a former executive head of a state agency who:

(1) communicates directly with a member of the legislative or executive branch only to influence legislation or administrative action on behalf of:

(A) a nonprofit organization;

(B) an individual;

(C) a group of low-income individuals; or

(D) a group of individuals with disabilities; and

(2) does not receive compensation other than reimbursement for actual expenses for engaging in communication described by Subdivision (1).

(d) Provides that a former appointed officer of a state agency or a former executive head of a state agency who violates this section commits an offense. Provides that an offense under this section is a Class A misdemeanor.

(e) Authorizes the person to be prosecuted under this section, the other law, or both if conduct that constitutes an offense under this section also constitutes an offense under Section 572.054 (Representation by Former Officer or Employee of Regulatory Agency Restricted; Criminal Offense) or other law.

SECTION 2. Provides that Section 572.069, Government Code, as added by this Act, applies only to an appointed officer of a state agency or an executive head of a state agency who ceases to be an officer or executive head on or after the effective date of this Act.

SECTION 3. Effective date: upon passage or September 1, 2013.