

BILL ANALYSIS

Senate Research Center
84R18509 ATP-D

H.B. 3517
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State Affairs
5/19/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, the legislature addressed the prohibition on contingent fees in relation to influencing state purchasing decisions. Over time, Texas Ethics Commission rules and opinions have modified the interpretation of the prohibition on contingent fees to influence governmental action and, in light of the recent focus on state procurement activities, the prohibition should be strengthened. H.B. 3517 addresses these issues.

H.B. 3517 amends current law relating to requirements governing registration and authorized activities of certain lobbyists and expands the applicability of an occupational registration.

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 305.0041(a), Government Code, as follows:

(a) Provides that a person is not required to register as a lobbyist under this chapter in accordance with Section 305.003(a)(2) (relating to requirements to register as a lobbyist), Government Code, solely because the person receives or is entitled to receive compensation or reimbursement to engage in certain communications as set forth.

Deletes from the communications a communication listed in this subsection in a capacity other than as an employee of a vendor of a product or service to a member of the executive branch concerning state agency purchasing decisions involving a product, service, or service provider or negotiations regarding such decisions if the compensation for the communication is not totally or partially contingent on the outcome of any administrative action. Makes nonsubstantive changes and makes no further change to this subsection.

SECTION 2. Repealers: Sections 305.022(c-1) (relating to a sales commission or other such fee payable to an independent contractor of a vendor of a product or service) and (c-3) (relating to registrant disclosure amounts), Government Code.

SECTION 3. Provides that a person who is required to register under Chapter 305 (Registration of Lobbyists), Government Code, solely as a result of the change in law made by this Act to Section 305.0041(a), Government Code, is not required to register under that chapter before January 1, 2016.

SECTION 4. Effective date: September 1, 2015.