

CHAPTER 432

S.B. No. 1081

AN ACT

relating to certain registrations and reports filed with the secretary of state.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 305.005, Government Code, is amended to read as follows:

Sec. 305.005. REGISTRATION. (a) Each person required to register under this chapter shall file a registration form with the secretary *on a form prescribed by the secretary and shall submit a registration fee.*

(b) *A registration filed under this chapter expires at midnight, December 31, of each odd-numbered year unless the registrant submits a registration renewal form to the secretary on a form prescribed by the secretary and submits the registration renewal fee. The registrant may file the registration renewal form and the fee anytime in December of the year in which the registration expires.*

(c) *The registration fee and registration renewal fee are \$100.*

(d) *Fees collected under this section shall be deposited to the credit of a special fund in the State Treasury to be known as the lobbyist registration fund and may be used only to administer this chapter.*

(e) *A person required to register under this chapter who has not registered or whose registration has expired shall file the registration form and submit the registration fee not later than the fifth day after the date on which the person makes the first direct communication with a member of the legislative or executive branch that requires the person's registration.*

(f) [(b)] The registration must be written and verified and must contain:

- (1) the registrant's full name and address;
- (2) the registrant's normal business, *business phone number*, and business address;
- (3) the full name and address of each person:

(A) who reimburses, retains, or employs the registrant to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action; and

(B) on whose behalf the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action; and

(4) a list of the specific categories of subject matters about which the registrant has communicated directly with a member of the legislative or executive branch to influence legislation or administrative action.

(g) [(e)] If a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form must include a statement of the number of members in the group, the name of each person in the group or organization who determines the policy of the group or organization relating to influencing legislative or administrative action, and a full description of the methods by which the registrant develops and makes decisions about positions on policy.

(h) [(d)] If there is a change in the information required to be reported by a registrant under this section, the registrant shall file an amended statement reflecting the change with the secretary not later than the date on which the next report is due under Section 305.007.

SECTION 2. Subsections (a) through (c), Section 305.006, Government Code, are amended to read as follows:

(a) Each registrant shall file with the secretary a written, verified report *on a form prescribed by the secretary* concerning the activities described by this section.

(b) The report must contain the total expenditures under a category listed in this subsection that the registrant made to communicate directly with a member of the legislative or executive branch to influence legislation or administrative action. The report must also include expenditures for the direct communications under a category listed in this subsection that other people made on the registrant's behalf if the expenditures were made with the registrant's consent or were ratified by the registrant. The expenditures must be stated in the following categories:

(1) entertainment, including food, beverages, maintenance of a hospitality room, sporting events, theatrical and musical events, and any transportation, lodging, or admission expenses incurred in connection with the entertainment; and

(2) gifts, awards, or loans, other than contributions as defined by Section 251.001, [237, Texas] Election Code [(Article 14.01, Vernon's Texas Election Code)].

(c) The report must also list the total expenditures made by the registrant or by others on the registrant's behalf and with the registrant's consent or ratification for broadcast or print advertisements, direct mailings, and other mass media communications if:

(1) the *communications* [expenditures] are made to a person other than a member, employee, or stockholder of an entity that reimburses, retains, or employs the registrant; and

(2) the communications support or oppose or encourage another to support or oppose pending legislation or administrative action.

SECTION 3. Subsection (a), Section 305.033, Government Code, is amended to read as follows:

(a) The secretary shall determine from any available evidence whether a registration or report required to be filed with the secretary under this chapter is late. *A registration filed without the fee required by Section 305.005 is considered to be late.* On making a determination that a required registration or report is late, the secretary shall immediately mail a notice of the determination to the person responsible for the filing and to the appropriate attorney for the state.

SECTION 4. Title 70, Revised Statutes, is amended by adding Article 4331a to read as follows:

Art. 4331a. COMPUTER INFORMATION

Sec. 1. The secretary of state may establish a system to provide access by electronic data transmittal processes to information that is stored in state computer record banks maintained by the secretary, is not classified as confidential under a statute or court decision, and is not maintained by the secretary under Chapter 421, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9b, Vernon's Texas Civil Statutes); Title 15, Election Code; or Chapter 305, Government Code. The secretary shall set and charge a fee for the access in an amount reasonable and necessary to cover the costs of establishing and administering the system.

Sec. 2. The secretary of state may:

(1) *develop computer software to facilitate the discharge of the constitutional and statutory duties of the office;*

(2) *enter agreements to transfer the software on the terms and conditions specified in the agreements; and*

(3) *assess a reasonable fee for the transfer;*

(4) *provided however, such computer software shall be reviewed and certified by the Automated Information and Telecommunications Council.*

SECTION 5. This Act takes effect January 1, 1988. On that date, all registrations expire that are on file with the Texas Secretary of State under Chapter 305, Government Code.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 1, 1987, by a viva-voce vote; and that the Senate concurred in House amendments on June 1, 1987, by a viva-voce vote. Passed the House, with amendments, on June 1, 1987, by a non-record vote.

Approved June 17, 1987.

Effective Jan. 1, 1988.