

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 29
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Governmental entities and organizations currently benefiting from public taxpayer dollars are hiring lobbyists to advocate in the Texas Legislature against bills intended to protect taxpayers. Taxpayers should not have to foot the bill for lobbying that advocates against their interest, such as cities lobbying against bills that could lead to lower taxes. Taxpayers should not have to pay for influencing legislators for a cause they do not support. S.B. 29 would prevent political subdivisions and external service providers from paying lobbying expenses. It would establish that an "external service provider" is an entity that receives public funds in exchange for lobbying services before the legislature. The bill would also prohibit any organization, including private entities, that receive state funds from spending those dollars on lobbying expenses. S.B. 29 would level the playing field between individual citizens and special interests. Citizens are not paid for voicing their opinion or their travel expenses, while lobbyists' expenses and salaries are often paid with citizens' money. It is unethical for a taxpayer to be forced to pay for influencing legislators about a cause they do not support, such as an increase in tax rates. At the 2018 Republican State Convention in San Antonio, ending taxpayer-funded lobbying was identified as a priority legislative issue. In fact, it is Plank 217 in the Party Platform. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 29 amends current law relating to the use by a political subdivision of money for lobbying and certain other activities.

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. Transfers Section 89.002, Local Government Code, to Chapter 556, Government Code, redesignates it as Section 556.0056, Government Code, and amends it as follows:

Sec. 556.0056. New heading: LOBBYING ACTIVITIES; ASSOCIATIONS AND ORGANIZATIONS. (a) Provides that this section applies to any political subdivision, including a regional mobility authority, toll road authority, or transit authority.

(b) Prohibits the governing body of a political subdivision from spending public money or providing compensation in any manner to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature. Provides that this section does not prevent:

(1) an officer or employee of a political subdivision from providing information for a member of the legislature or appearing before a legislative committee at the request of the member of the legislature or committee;

(2) an elected officer of a political subdivision from advocating for or against or otherwise influencing or attempting to influence the outcome of

legislation pending before the legislature while acting as an officer of the political subdivision; or

(3) an employee of a political subdivision from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature if those actions would not require the person to register as a lobbyist under Chapter 305 (Registration of Lobbyists).

(c) Creates this subsection from existing text. Deletes existing text authorizing a commissioners court to spend, in the name of the county, money from the county's general fund for membership fees and dues of a nonprofit state association of counties under certain circumstances. Prohibits the governing body of a political subdivision from spending any money or providing compensation in any manner to an association or organization for membership fees and dues or for any other purpose unless:

(1) a majority of the governing body votes to approve membership in the association or organization, rather than a majority of the commissioners court votes to approve membership in the association;

(2) the association or organization exists for the betterment of local government and the benefit of all local officials, rather than the association exists for the betterment of county government and the benefit of all county officials;

(3) the association or organization, rather than the association, is not affiliated with a labor organization;

(4) neither the association or organization nor an employee of the association or organization, rather than neither the association nor an employee of the association, directly or indirectly influences or attempts to influence the outcome of any legislation pending before the legislature. Deletes existing text providing that this subdivision does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or the member of the legislature; and

(5) the association or organization does not directly or indirectly contribute any money, services, or other valuable things to a political campaign or endorse a candidate or group of candidates for public office, rather than neither the association nor an employee of the association directly or indirectly contributes any money, services, or other valuable thing to a political campaign or endorses a candidate or group of candidates for public office.

(d) Provides that Subsection (c)(4) does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the member of the legislature or committee.

(e) Creates this subsection from existing text. Entitles a taxpayer or resident of the political subdivision that engages in prohibited activity or that pays fees or dues to the association or organization, if a political subdivision engages in an activity prohibited by Subsection (b) or if any association or organization supported wholly or partly by payments of money from political subdivisions engages in an activity described by Subsection (c)(4) or (5), to appropriate injunctive relief to prevent any further activity prohibited by Subsection (b) or described by Subsection (c)(4) or (5) or any further payments of fees or dues, rather than entitling a taxpayer of a political subdivision that pays fees or dues to the association or organization, if any association or organization supported wholly or

partly by payments of tax receipts from political subdivisions engages in an activity described by Subsection (a)(4) or (5), to appropriate injunctive relief to prevent any further activity described by Subsection (a)(4) or (5) or any further payments of fees or dues.

(f) Entitles a taxpayer or resident who prevails in an action under Subsection (e) to recover from the political subdivision the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Makes application of Section 556.0056, Government Code, as transferred, redesignated, and amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2019.