

## **BILL ANALYSIS**

C.S.H.B. 281  
By: Middleton  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There are concerns that the use of public money by political subdivisions for lobbying activities is an improper use of taxpayer funds and may lead to conflicts of interest between the legislature and local entities. C.S.H.B. 281 seeks to address these concerns by prohibiting the use of public money by certain political subdivisions for lobbying activities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 281 transfers from the Local Government Code to the Government Code provisions relating to restrictions on the lobbying activities of an association or organization to which a political subdivision pays membership fees and dues. The bill amends those Government Code provisions to make the conditions on a county commissioners court's authority to spend public money for membership fees and dues of a nonprofit state association of counties, which include, among others, the condition that the association is not affiliated with a labor organization and the condition that the association and its employees do not engage in certain lobbying activities, applicable to the expenditure of public money by the governing body of any political subdivision for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions. The bill removes from among the conditions on such authority that an employee of an applicable association not contribute to a political campaign or endorse a candidate for public office.

C.S.H.B. 281 prohibits the governing body of a political subdivision that imposes a tax or a regional mobility authority, toll road authority, or transit authority from spending public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature. This prohibition expressly does not apply to a navigation district and expressly does not prevent the following activity:

- 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 committee or the member;
- 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

- 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 a person to register under statutory provisions relating to lobbyist registration.

C.S.H.B. 281 expands the entitlement of a taxpayer of a political subdivision that pays fees or dues to an association or organization that engages in certain lobbying activity and is supported wholly or partly by payment of tax receipts to appropriate injunctive relief to prevent any further such lobbying activity by the association or organization or any further payments of fees or dues by extending that entitlement to a resident of such a political subdivision and replacing the reference to tax receipts with a reference to public money. The bill entitles a taxpayer or resident of a political subdivision that engages in lobbying activity prohibited by the bill to appropriate injunctive relief to prevent any further such activity by the political subdivision. The bill entitles a taxpayer or resident who prevails in an action for such injunctive relief to recover from the political subdivision the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

C.S.H.B. 281 makes a contract providing for an expenditure or payment prohibited by the bill void on the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 281 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute specifies that the bill applies to a political subdivision that imposes a tax and does not apply to a navigation district. The substitute voids a contract that provides for a payment or expenditure prohibited by the bill on its effective date.