

## **BILL ANALYSIS**

Senate Research Center  
87R17557 JG-F

C.S.S.B. 10  
By: Bettencourt et al.  
Local Government  
4/12/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Counties and municipalities 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 interests, 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. 10 would prevent the governing body of a county or municipality 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.

S.B. 10 does not prevent an officer or employee of a county or municipality 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 the committee. Additionally, S.B. 10 does not prohibit an elected officer of a county or municipality 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 county or municipality. Finally, S.B. 10 would allow an employee of a county or municipality to advocate for or against or otherwise influence or attempt to influence the outcome of legislation pending before the legislature if those actions would not require a person to register as a lobbyist under Chapter 305.

Under S.B. 10, a taxpayer or resident of the county or municipality is entitled to appropriate injunctive relief to prevent any further prohibited activity, if a county or municipality engages in a prohibited activity listed above. A taxpayer or resident who prevails in an action is entitled to recover from the county or municipality, as applicable, the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 10 amends current law relating to the use by a county or municipality of public money for lobbying 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. Amends Chapter 556, Government Code, by adding Section 556.0056, as follows:

Sec. 556.0056. RESTRICTIONS ON LOBBYING ACTIVITIES BY COUNTIES AND MUNICIPALITIES. (a) Prohibits the governing body of a county or municipality 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 subsection does not prevent:

- (1) an officer or employee of a county or municipality 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 the committee;

(2) an elected officer of a county or municipality from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature, including testifying before a legislative committee, while acting as an officer of the county or municipality;

(3) an employee of a county or municipality 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 as a lobbyist under Chapter 305 (Registration of Lobbyists);

(4) a county or municipality from reimbursing an officer or employee of the county or municipality for direct travel expenses incurred by the officer or employee for engaging in an activity authorized by Subdivision (1), (2), or (3); or

(5) a county or municipality from paying fees or dues or providing compensation in any manner to a nonprofit state association or organization that advocates for or against or otherwise influences or attempts to influence the outcome of legislation pending before the legislature on the collective behalf of counties or municipalities in the state, unless the association or organization:

(A) pays or otherwise compensates an individual required to register as a lobbyist under Chapter 305 for a purpose described by this subdivision, not including a full-time employee of the association or organization; or

(B) advocates for or against or otherwise influences or attempts to influence the outcome of legislation pending before the legislature related to property taxation, including the implementation, rates, and administration of property taxes.

(b) Prohibits a county or municipality from establishing a nonprofit association or organization that advocates for or against or otherwise influences or attempts to influence the outcome of legislation pending before the legislature on the behalf of a county or municipality if the association or organization takes an action described by Subsection (a)(5)(A) or (B).

(c) Entitles a taxpayer or resident of a county or municipality, if the county or municipality engages in an activity prohibited by Subsection (a) or (b), to appropriate injunctive relief to prevent any further activity prohibited by those subsections.

(d) Entitles a taxpayer or resident who prevails in an action under Subsection (c) to recover from the county or municipality, as applicable, the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Provides that Section 556.0056, Government Code, as added by this Act, applies only to:

(1) an expenditure or payment of money or provision of some other compensation by a county or municipality that is made on or after September 1, 2021; and

(2) the establishment of a nonprofit association or organization that takes an action described by Subsection (a)(5)(A) or (B) of that section on or after September 1, 2021.

SECTION 3. Effective date: September 1, 2021.