87R22529 JG-D

By:  Bettencourt, et al. S.B. No. 10

(Paddie)

Substitute the following for S.B. No. 10:

By:  Paddie C.S.S.B. No. 10

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements applicable to political subdivisions and other entities that engage in lobbying and to the applicability of lobbyist registration requirements to a person who provides legal services to a political subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 305.003, Government Code, is amended by adding Subsection (b-5) to read as follows:

(b-5)  This section does not require a person to register if the person has established an attorney-client relationship with a political subdivision to provide legal services and receives or is entitled to receive compensation, reimbursement, or expenses under an agreement under which the person is retained or employed by the political subdivision.

SECTION 2.  Chapter 556, Government Code, is amended by adding Section 556.0056 to read as follows:

Sec. 556.0056.  RESTRICTIONS ON LOBBYING EXPENDITURES AND REIMBURSEMENTS BY CERTAIN POLITICAL SUBDIVISIONS AND OTHER ENTITIES. (a) This section applies only to a:

(1)  political subdivision that imposes a tax;

(2)  political subdivision or special district that has the authority to issue bonds, including revenue bonds;

(3)  regional mobility authority;

(4)  transit authority;

(5)  regional tollway authority;

(6)  special purpose district, including a municipal utility district and a municipal management district;

(7)  public institution of higher education;

(8)  community college district;

(9)  publicly owned utility; and

(10)  river authority or water supply corporation.

(b)  The governing body of a political subdivision or other entity to which this section applies may not spend public money or provide other compensation to contract with a person required to register as a lobbyist under Chapter 305 to communicate directly with one or more members of the legislative branch to influence legislation pending before the legislature unless the expenditure is:

(1)  authorized by a majority vote of the governing body of the political subdivision or entity in an open meeting of the governing body; and

(2)  voted on by the governing body as a stand-alone item on the agenda at the meeting.

(c)  A political subdivision or other entity to which this section applies that contracts with a person required to register as a lobbyist under Chapter 305 in accordance with this section must publish on the political subdivision's or entity's Internet website:

(1)  the amount of money authorized under Subsection (b) for the purpose of contracting with the person;

(2)  the name of the person;

(3)  a copy of the contract;

(4)  the amount of money, if any, spent by the political subdivision or entity for membership fees or dues to a nonprofit state association or organization of similarly situated political subdivisions or entities that contracts with a person required to register as a lobbyist under Chapter 305; and

(5)  a copy of any current legislative agenda or resolution adopted by the political subdivision or entity.

(d)  A person required to register as a lobbyist under Chapter 305 that contracts with a political subdivision or other entity to which this section applies in accordance with this section may not communicate directly with a member of the legislative branch on behalf of the political subdivision or entity regarding legislation pending before the legislature that specifically proposes to amend Section 26.04(c) or 26.041(c), Tax Code.

(e)  Notwithstanding other law, a political subdivision or other entity to which this section applies may not provide reimbursement to a person required to register as a lobbyist under Chapter 305 for an expenditure made by the person for food, beverages, or entertainment.

(f)  If a political subdivision or other entity to which this section applies does not comply with the requirements of this section, a resident of or person receiving services from the political subdivision or entity may file a sworn complaint with the Texas Ethics Commission against the political subdivision or entity in accordance with Section 571.122.

(g)  This section does not prevent an officer or employee of a political subdivision or other entity to which this section applies from:

(1)  providing information for a member of the legislative branch;

(2)  appearing before a legislative committee; or

(3)  communicating directly with one or more members of the legislative branch to influence legislation pending before the legislature.

SECTION 3.  Section 2254.030, Government Code, is repealed.

SECTION 4.  Section 556.0056, Government Code, as added by this Act, applies only to a payment or other compensation described by that section made under a contract entered into on or after the effective date of this Act. A contract entered into before the effective date of this Act under which a payment or other compensation described by that section is made is governed by the law in effect on the date the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2021.