

## **BILL ANALYSIS**

Senate Research Center  
88R129 JG-F

S.B. 175  
By: Middleton  
State Affairs  
3/10/2023  
As Filed

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

There are concerns that the use of public funds by political subdivisions for lobbying activities is an improper use of taxpayer funds and that there is a general lack of transparency regarding public spending on lobbying activities. S.B. 175 seeks to address these concerns by prohibiting the use of public funds by political subdivisions for hiring or contracting with a person required to register as a lobbyist under Chapter 305, Government Code. Additionally, S.B. 175 prohibits the use of public funds to pay dues or fees to a nonprofit statewide association that primarily represents political subdivisions and hires or contracts with a person required to register as a lobbyist under Chapter 305, Government Code.

As proposed, S.B. 175 amends current law relating to the use by a political subdivision of public funds 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. RESTRICTION ON USE OF PUBLIC FUNDS BY POLITICAL SUBDIVISIONS FOR LOBBYING ACTIVITIES. (a) Prohibits a political subdivision from spending public funds:

(1) to hire an individual required to register as a lobbyist under Chapter 305 (Registration of Lobbyists) for the purpose of lobbying a member of the legislature; or

(2) to pay a nonprofit state association or organization that:

(A) primarily represents political subdivisions; and

(B) hires or contracts with an individual required to register as a lobbyist under Chapter 305.

(b) Provides that a taxpayer or resident of a political subdivision, if the political subdivision engages in an activity prohibited by Subsection (a), is entitled to appropriate injunctive relief to prevent further activity prohibited by that subsection and further payment of public funds related to that activity.

(c) Provides that a taxpayer or resident who prevails in an action under Subsection (b) is entitled 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. Amends Section 81.026, Local Government Code, as follows:

Sec. 81.026. COMMISSIONERS COURT MEMBERSHIP ON ASSOCIATIONS AND NONPROFIT ORGANIZATIONS. Authorizes a county judge or county commissioner to serve on the governing body of or any committee serving an association of counties, including a nonprofit state association or organization, except that the county judge or county commissioner is prohibited from spending public funds to serve on the governing body or committee or to join or otherwise become a member of the association of counties in violation of Section 556.0056, Government Code. Deletes existing text authorizing a county judge or county commissioner to serve on the governing body of or committee serving an association of counties created or operating pursuant to the provisions of Section 89.002 (State Association of Counties).

SECTION 3. Repealer: Section 89.002 (State Association of Counties), Local Government Code.

SECTION 4. Makes application of Section 556.0056, Government Code, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2023.