

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 175
By: Middleton
State Affairs
3/20/2023
Committee Report (Substituted)

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.

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

C.S.S.B. 175 amends current law relating to the use by a political subdivision of public funds 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. 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 created or operating pursuant to the provisions of Section 89.002 (State 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.

SECTION 3. Amends Section 89.002, Local Government Code, as follows:

Sec. 89.002. STATE ASSOCIATION OF COUNTIES. (a) Authorizes the commissioners court, except as provided by Section 556.0056, Government Code, 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 if certain criteria are met. Deletes existing text authorizing the 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 if 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, except 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. Makes nonsubstantive changes.

(b) Makes conforming changes to this subsection.

SECTION 4. Provides that Section 556.0056, Government Code, as added by this Act, applies only to an expenditure or payment of public funds by a political subdivision that is made on or after the effective date of this Act, including an expenditure or payment of public funds by a political subdivision that is made under a contract entered into before, on, or after the effective date of this Act. Provides that a contract term providing for an expenditure or payment prohibited by Section 556.0056, Government Code, as added by this Act, is void on the effective date of this Act.

SECTION 5. Makes application of Section 89.002, Local Government Code, as amended by this Act, prospective.

SECTION 6. Effective date: September 1, 2023.