

By: Spiller

H.B. No. 170

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements applicable to certain public entities that engage in lobbying.

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

SECTION 1. 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 PUBLIC ENTITIES. (a) This section applies only to the following public entities:

- (1) a political subdivision that imposes a tax;
- (2) a political subdivision or special district that has the authority to issue bonds, including revenue bonds;
- (3) a regional mobility authority;
- (4) a transit authority;
- (5) a regional tollway authority;
- (6) a special purpose district, including a municipal utility district and a municipal management district;
- (7) a public institution of higher education;
- (8) a community college district;
- (9) a publicly owned utility; and
- (10) a river authority or water supply corporation.

(b) The governing body of a public entity may not spend public money or provide other compensation to contract with a person required to register as a lobbyist under Chapter 305 to

1 communicate directly with one or more members of the legislative  
2 branch to influence legislation pending before the legislature  
3 unless the expenditure is:

4 (1) authorized by a majority vote of the governing  
5 body of the entity in an open meeting of the governing body; and

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

8 (c) A public entity that contracts with a person required to  
9 register as a lobbyist under Chapter 305 in accordance with this  
10 section must publish on the entity's Internet website:

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

13 (2) the name of the person;

14 (3) a copy of the contract;

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

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

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

27 (e) Notwithstanding other law, a public entity may not

1 provide reimbursement to a person required to register as a  
2 lobbyist under Chapter 305 for an expenditure made by the person for  
3 food, beverages, or entertainment.

4 (f) If a public entity does not comply with the requirements  
5 of this section, a resident of or person receiving services from the  
6 entity may file a sworn complaint with the Texas Ethics Commission  
7 against the entity in accordance with Section 571.122.

8 (g) This section does not prevent an officer or employee of  
9 a public entity from:

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

12 (2) appearing before a legislative committee; or

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

16 SECTION 2. Section 2254.030, Government Code, is repealed.

17 SECTION 3. Section 556.0056, Government Code, as added by  
18 this Act, applies only to a payment or other compensation described  
19 by that section made under a contract entered into on or after the  
20 effective date of this Act. A contract entered into before the  
21 effective date of this Act under which a payment or other  
22 compensation described by that section is made is governed by the  
23 law in effect on the date the contract was entered into, and the  
24 former law is continued in effect for that purpose.

25 SECTION 4. This Act takes effect September 1, 2023.