

BILL ANALYSIS

Senate Research Center
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S.B. 10
By: Bettencourt et al.
Local Government
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As Filed

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.

As proposed, 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 while acting as an officer of the county or municipality; or

(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).

(b) Provides that if a county or municipality engages in an activity prohibited by Subsection (a), a taxpayer or resident of the county or municipality is entitled to appropriate injunctive relief to prevent any further activity prohibited by that subsection.

(c) Provides that a taxpayer or resident who prevails in an action under Subsection (b) 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.

SECTION 2. Makes application of Section 556.0056, Government Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2021.