

LEGISLATIVE ALERT: LOBBYING

Bill Number & Author / Sponsor: House Bill 749 by Middleton / Senate Bill 234 by Hall

Description: relating to the use by a political subdivision of public funds for lobbying activities

Amends / Enacts: Texas Government Code Ch. 556

Summary: The bill would:

1. prohibit a political subdivision from spending public funds to:
 - (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or
 - (b) pay a nonprofit state association or organization that:
 - (i) primarily represents political subdivisions; and
 - (ii) hires or contracts with an individual required to register as a lobbyist;
2. provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent any further prohibited activity or any further payments of public funds; and
3. provide that a taxpayer or resident who prevails in an action under (2), above, is entitled to recover reasonable attorney's fees and costs from the political subdivision.

Implications: If enacted these bills would not only prevent cities from hiring their own lobbyists, it would also have the effect of preventing the Texas Municipal League (TML) from advocating on behalf of its member cities. City officials would either lose their voice at the capitol or have to take full responsibility for their city's communications with all members of the legislature and the Governor's Office. Similar legislation introduced in previous legislative sessions would also prohibit TML from even notifying its members of pending legislation that would affect them.

Texas city leaders have traditionally relied upon groups such as TML to understand what is occurring during the legislative session. TML has helped facilitate municipal engagement with legislators. If passed this legislation would dramatically harm intergovernmental relations and weaken a municipality's ability to govern consistent with local preferences and priorities.