



Testimony

Taxpayer-Funded Lobbying

Testimony Before the Texas Senate Committee on State Affairs on the Committee Substitute for SB 29

by Chuck DeVore, Vice President of National Initiatives

In 2017, local Texas governments spent up to \$41 million of taxpayer funds to influence state legislation. This money is in addition to money spent to analyze legislation, wage public relations campaigns, and build coalitions. This sum does not include funds spent on salary or travel for government employees whose full-time or part-time job is to lobby.

The committee substitute for SB 29 is the most comprehensive bill addressing the need to reform taxpayer-funded lobbying yet introduced this session in the Legislature. It simply bans the use of taxpayer money to lobby the Legislature.

It is important to note that the committee substitute will not prevent local officials, both elected and staff, to comment on legislation or to provide resource witnesses. Only activity covered under Chapter 305 that would require registration as a lobbyist would be prohibited with public funds.

Further, public funds can still be allocated to pay dues or fees to a membership association, provided that the political subdivision's governing body approves the expenditure and that the organization neither lobbies nor contributes to campaigns. Importantly, this allows these organizations to provide very valuable bill analysis as well as membership communication.

Another positive feature of the committee substitute is its provision allowing for injunctive relief and legal fees recovery in the event a political subdivision persists in funding prohibited lobbying activity with taxpayer funds.

We have the unalienable right to free speech. Interestingly, in testimony on a related bill in the other chamber, a lobbyist for the lobbyists claimed that bills curtailing the practice of taxpayer-funded lobbying are an abridgment of free speech rights. This is wrong. Only people have rights. Governments have powers; they don't have rights.

Unsurprisingly, the people of Texas agree. When polled, many had no idea that their tax money was being used to pay for lobbying. They were outraged. In December, we conducted a poll of 800 Texas voters. We asked them what they thought about taxpayer-funded lobbying. The results showed that 91 percent opposed the practice with 80 percent strongly opposed. This included 84 percent of Hispanic voters who were opposed as were 87 percent of African-American voters. ★

ABOUT THE AUTHOR



Chuck DeVore served in the California Legislature from 2004 to 2010, was a Reagan appointee in the Pentagon, and is a lieutenant colonel in the U.S. Army (retired) Reserve.

