



## Taxpayer-Funded Lobbying

### *Testimony Before the Texas Senate Committee on State Affairs on 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. It also does not include funds spent on salary or travel for government employees whose full-time or part-time job is to lobby.

SB 29 is a simple reform measure that would prohibit any political subdivision that receives money from the state of Texas from paying for lobbyists. It also blocks payments to people closely connected to lobbyists through business or by relation.

Further, state contractors are also banned from using state dollars to pay for lobbying. However, due to the fungibility of money, that prohibition is effectively moot.

SB 29 represents a significant improvement on current practice. However, there are areas that it will not affect as currently written.

First, it will not prevent the ability of local government to underwrite the expenses of elected officials and staff to influence legislation pending in Austin—so long as the level of effort would not trigger the requirement to register with the Texas Ethics Commission under Chapter 305.

Second, the bill would not affect political subdivisions that do not receive state funding, such as many special purpose districts. In principle, however, no political subdivision has the inherent power to collect taxes or fees without state approval.

As a result, we would recommend the bill be broadened to include all political subdivisions of the state rather than the subset of those that receive state 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.