



Legislative UPDATE

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Community Censorship Column Published in *The Texas Tribune*

On Monday, March 29, the [Texas Tribune's Unconventional Wisdom](#) column by Ross Ramsey focused on community censorship. Below is the article, reprinted with permission.

Analysis: The fight over local control turns to representation — and lobbyists

By Ross Ramsey, Texas Tribune

Efforts to bar local governments from hiring outside lobbyists or joining associations that lobby the state government are gaining steam, after falling short two years ago.

If Texas lawmakers go ahead with current proposals, they'll be hurting small towns more than big cities, and rural counties more than urban ones.

The bigger local governments have the budgets to keep “government liaison” teams on staff, and sending actual government employees to Austin would still be allowed. Smaller ones don't have the money to do that; they join associations that pool resources from lots of local governments and lobby on their behalf.

The big ones are, incidentally, some of the most Democratic precincts of the state — the big blue splotches on a Texas election map. The little ones are some of the most Republican — the red wash that covers most of that map.

“The best government is the government closest to the people” was a reliable political line of long standing until just a few years ago. But top state officials in Texas have been warring with [local governments for years](#), over [property](#) and [sales](#) taxes, [state mandates that require local spending](#), [local restrictions during the pandemic](#), [police funding](#), [ride-share regulations](#) — a broad array of disagreements over where one government’s power stops and the other’s starts.

The argument for lobbying limits has become a conservative rallying point, focused for public argument’s sake on whether taxpayers want local governments lobbying to increase state spending that’s funded by those same taxpayers. Local officials have argued, with some success, so far, that their lobbyists are keeping an eye on state lawmakers on behalf of those voters. And that the voters would boot them if they didn’t like it.

This isn’t an argument for or against lobbyists. Lobbyists might be even less popular than journalists. And they’ll still be here after the ban, if it passes. Some of them might be city employees instead of independent “hired guns,” but they’ll be here.

Legislation designed to get rid of what the supporters call “taxpayer-funded lobbyists” failed in the 2019 legislative session. It sang through the Senate and croaked in the House. This time, the Senate support appears to be intact, and new House Speaker [Dade Phelan](#) has said he supports the legislation — a good omen for the sponsors.

The current version would prohibit “political subdivisions” from contracting with people who lobby the Legislature, or from joining any association — like the Texas Association of Counties, the Texas Municipal League or the Texas Association of School Administrators, for example — that in turn hires contract lobbyists, or that is primarily a lobbying outfit.

A “political subdivision” is, according to the Texas government code, “a county, municipality, special district, school district, junior college district, housing authority, or other political subdivision of this state or any other state.”

It doesn’t include organizations that don’t meet that definition but that also receive taxpayer money, like chambers of commerce and charter schools. They’d still be allowed to hire lobbyists under the currently proposed ban.

Local governments are already barred from using state money to lobby the state. And state agencies are barred from lobbying the Legislature, but they’re allowed to say what they want as long as they don’t agitate for it.

That “legislative liaison” line is a fuzzy one. All of the big state agencies and a fair number of the small ones have people roaming the Texas Capitol to make sure lawmakers know what would help or hurt their operations. They’re allowed to provide information and expert testimony, so long as they don’t cross into advocacy.

Local governments are allowed to advocate, to come to Austin and say, “Hey, we need a low-water crossing on this state road,” or whatever it is they’re trying to get done. And the state has a hand in this, too, when it’s pleading to people in Washington for federal money for this or for that. State

agencies and universities have been known to hire lobbyists and outside consultants and law firms to help their efforts. But that's not part of the proposed ban.

Nor is the Office of State-Federal Relations, a Texas outpost in Washington, D.C., a division of the governor's office with a mission that sounds like the kind of things a lobbyist might do.

[From the governor's website](#): "OSFR is the state's advocate in Washington, DC, representing state government with the administration, Congress, and federal agencies to advocate the interests of Texas, especially as interests relate to the missions and functions of Texas state government. State government includes the legislature, state agencies, and state officials. Texas State officials realize that in order for the state government to maintain a strong position in our relationship with the federal government, Texas must maintain a real presence in Washington, DC."

That's a very interesting loophole.

National League of Cities Requesting Input from Texas Cities

The passage of the historic American Rescue Plan means over \$65 Billion will be delivered directly to cities, towns and villages. Now the real work begins. What are your local priorities for this funding? To gauge how conditions, from the economy and infrastructure to housing and education, have changed this past year, and how new funding will be used to address these challenges, the National League of Cities (NLC) is conducting a short survey and we invite you to participate. The survey can be found [here](#).

The results will be part of NLC's research efforts to showcase local leadership during the pandemic. They will also shape the type of strategies and programs NLC is developing to help communities leverage newly available funds. Please respond by **Friday, April 2**.

Bills on the Move

[H.B. 754 \(Cain\)](#), relating to municipal regulation of rental property. TML provided [written testimony](#). Left pending in House Urban Affairs.

[H.B. 1686 \(Cortez\)](#), relating to residential food production. TML provided [written testimony](#). Left pending in House Agriculture & Livestock.

[H.B. 2044 \(Leman\)](#), relating to eminent domain. TML provided [written testimony](#). Left pending in House Land & Resource Management.

[H.B. 2092 \(Sanford\)](#), relating to partisan city elections. TML provided [written testimony](#). Left pending in House Elections.

[H.B. 2869 \(Longoria\)](#), relating to collective bargaining. TML provided [written testimony](#). Left pending in House Urban Affairs.

[H.B. 3069 \(Holland\)](#), relating to certain construction claims. TML provided [written testimony](#). Left pending in House Judiciary & Civil Jurisprudence.

[S.B. 5 \(Nichols\)](#), relating to broadband. Passed Senate.

Stay Engaged During the Legislative Session: Grassroots Involvement Program

During the upcoming Texas legislative session, Texas cities will face many challenges and opportunities. TML will need to mobilize our membership at key points during session. The Grassroots Involvement Program (GRIP) is one way to do so. Our GRIP survey focuses on a variety of items including your areas of expertise and involvement with other professional organizations. Most importantly, the GRIP survey asks how well you know various state legislators and if you are willing to communicate with those legislators during the session. With many unknowns on how the capitol will operate during a pandemic, TML's grassroots approach will be crucial to our efforts.

If you have a relationship with your legislator(s) or want to be more involved during session, please take the time to complete the [GRIP survey](#). Past efforts have proven that such participation is a highly effective tool.

We ask that you complete the survey as soon as possible.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who are vigilantly representing cities during this session. If we missed your testimony let us know by an email to ford@tml.org, and we will recognize you in next week's edition.

The following officials testified in committee hearings held March 22 through March 26:

- Dianna Grey, Homeless Strategy Officer, City of Austin
- Joel Baker, Fire Chief, City of Austin
- Victor Conley, Fire Chief, City of Irving
- Bryan Norris, Assistant Chief, City of San Antonio
- Sam Grief, Fire Chief, City of Plano
- Samuel Peña, Fire Chief, City of Houston

- Steve Williams, Assistant City Administrator, City of Conroe
- Valerie Berry, Asst. Director, Administration and Regulatory Affairs, City of Houston
- David Lehfeldt, Director of Solid Waste Services, City of Corpus Christi
- Christa Lopez-Reynolds, Senior Assistant City Attorney, City of Fort Worth
- Jessica Anderson, Commander, City of Houston Police Department
- Chris Herrington, Environmental Officer, City of Austin
- Cathy Skurow, Mayor, City of Portland
- Sally Bakko, Director of Policy and Government Relations, City of Galveston
- Aaron Bell, Chief of Police, City of Iowa Colony
- Michael Byrum-Bratsen, Mayor, City of Iowa Colony
- Brynn Myers, City Manager, City of Temple
- Marco Vega, General Manager, McAllen Public Utility
- Kathryn Bruning, Assist. Director, Administration & Regulatory Affairs, City of Houston
- Joseph Harney, City of San Antonio
- Brad Neighbor, City Attorney, City of Garland
- Ron Jensen, Mayor, City of Grand Prairie
- Richard Aubin, Councilmember, City of Garland
- Dave Martin, Mayor Pro Tem, City of Houston
- Hope Wells, Corporate Counsel, San Antonio Water Services
- Kristin Gilbert, Interim Town Manager, Town of Cross Roads
- Hilary Shine, Executive Director of Communications, City of Killeen
- Thomas Gwosdz, City Attorney, City of Victoria
- Roland Barrera, Councilmember, City of Corpus Christi
- Bill Kelly, Director of Government Relations, City of Houston
- Lee Kleinman, Councilmember, City of Dallas
- Raymond McDonald, Mayor Pro Tem, City of Conroe
- Connie Schroeder, Mayor, City of Bastrop
- Joe Zimmerman, Mayor, City of Sugar Land

Coronavirus (COVID-19) Updates

The Texas Municipal League is open for business. The building is closed to all but essential personnel and most staff is working remotely, but the League remains open for business and is fully ready to serve. Cities are encouraged to call or email for legal assistance, help with ordinances, or for general advice or assistance. Let us know how we can assist you and your city.

Call TML staff at 512-231-7400, or email the legal department for legal assistance at legalinfo@tml.org; Rachael Pitts for membership support at RPitts@tml.org; and the training team for questions about conferences and workshops at training@tml.org.

The League has prepared a coronavirus clearinghouse [web page](#) to keep cities updated. In addition, everyone who receives the *Legislative Update* should receive an email update each Tuesday with

information on new developments. The email updates are our primary means of communication during the pandemic. Those emails are archived [chronologically](#) as well as by [subject matter](#).

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