



City of Austin

P.O. Box 1088, Austin, TX 78767-1088

April 6, 2021

The Honorable Paul Bettencourt
P.O. Box 12068
Capitol Station
Austin, TX 78768

Re: Testimony on S.B. 1879

Dear Chairman Bettencourt and members of the Senate Local Government Committee:

The City of Austin respectfully submits the following comments on Senate Bill (S.B.) 1879 by Senator Paul Bettencourt.

The bill as written allows political subdivisions advocate before the legislature, so long as the expenditure associated is voted on by the governing body in an open meeting and that the details of the expenditures are publicly available. The City fully agrees that transparency is of the utmost importance to the residents we serve.

While we are entirely supportive of this transparency, we are concerned with our ability to comply with the vague language in S.B. 1879. The bill states that “a political subdivision may spend money to directly or **indirectly** influence or attempt to influence the outcome of any legislation pending before the legislature.” The word “indirectly” is overly broad and vague to the point that it will cause uncertainty in any actions that we pursue related to advocating for our residents before the Legislature. Without clarity on what constitutes an “indirect” influence, the entities impacted by this legislation will be unable to comply.

We are especially concerned with this language because of the cause of action that is also created under S.B. 1879. Without a definition of the word “indirectly,” we fear that even if we believe we are fully compliant with the law, we may always be subject to litigation because any “interested party” could file suit against our actions if they interpreted “indirectly” differently than our City legal staff. This cause of action and uncertainty in compliance with the bill will be problematic for every city or political subdivision that advocates for their residents before the legislature.

For those reasons, we hope to work with you on this transparency measure to ensure we and other political subdivisions are able to comply and that the cause of action in the bill is tailored to ensure we can do so without risk of frivolous lawsuits and waste of taxpayer money. Thank you for your consideration, and please do not hesitate to reach out to me should you have any questions.

Sincerely,

Brie Franco
Intergovernmental Relations Officer
City of Austin