

By: Corte

H.B. No. 1753

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public money for fees and dues of a state association or organization.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 89.002, Local Government Code, is transferred to Chapter 556, Government Code, redesignated as Section 556.0056, and amended to read as follows:

Sec. 556.0056 [~~89.002~~]. STATE ASSOCIATIONS AND ORGANIZATIONS [~~ASSOCIATION OF COUNTIES~~]. (a) The governing body of a political subdivision [~~commissioners court~~] may spend, in the name of the political subdivision [~~county~~], money from the political subdivision's [~~county's~~] general fund for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions [~~counties~~] if:

(1) a majority of the governing body [~~court~~] votes to approve membership in the association or organization;

(2) the association or organization exists for the betterment of local [~~county~~] government and the benefit of all local [~~county~~] officials;

(3) the association or organization is not affiliated with a labor organization;

(4) neither the association or organization nor an employee of the association or organization directly or indirectly influences or attempts to influence the outcome of any legislation

1 pending before the legislature, except that this subdivision does
2 not prevent a person from providing information for a member of the
3 legislature or appearing before a legislative committee at the
4 request of the committee or the member of the legislature; and

5 (5) neither the association or organization nor an
6 employee of the association or organization directly or indirectly
7 contributes any money, services, or other valuable thing to a
8 political campaign or endorses a candidate or group of candidates
9 for public office.

10 (b) If any association or organization supported wholly or
11 partly by payments of tax receipts from political subdivisions
12 engages in an activity described by Subsection (a)(4) or (5), an
13 action for ~~[a taxpayer of a political subdivision that pays fees or~~
14 ~~dues to the association or organization is entitled to]~~ appropriate
15 injunctive relief to prevent any further activity described by
16 Subsection (a)(4) or (5) or any further payments of fees or dues may
17 be brought by:

18 (1) a taxpayer of a political subdivision that pays
19 fees or dues to the association or organization;

20 (2) the county or district attorney of a county in
21 which any part of the political subdivision is located;

22 (3) the attorney general; or

23 (4) the public integrity unit of the office of the
24 district attorney for the 53rd Judicial District.

25 (c) A taxpayer who prevails in an action under Subsection
26 (b) is entitled to recover from the political subdivision the
27 taxpayer's reasonable attorney's fees and costs incurred in

1 bringing the action.

2 SECTION 2. Section 556.0056, Government Code, as
3 redesignated and amended by this Act, applies only to a payment by a
4 political subdivision that is made on or after September 1, 2007. A
5 payment by a political subdivision that is made before September 1,
6 2007, is governed by the law in effect on the date the payment is
7 made, and the former law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2007.