

By: Corte

H.B. No. 2268

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public money for lobbying activities or payment of 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, Government Code, and amended to read as follows:

Sec. 556.0056 [~~89.002~~]. LOBBYING ACTIVITIES; STATE ASSOCIATIONS AND ORGANIZATIONS [~~ASSOCIATION OF COUNTIES~~]. (a) The governing body of a political subdivision may not spend public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature. This subsection does not prevent an officer or employee of a political subdivision from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or the member of the legislature.

(b) The governing body of a political subdivision [~~commissioners court~~] may spend, in the name of the political subdivision [~~county~~], public money [~~from the county's general fund~~] for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions only [~~counties~~] if:

(1) a majority of the governing body [~~court~~] votes to

1 approve membership in the association or organization;

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

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

7 (4) neither the association or organization nor an
8 employee of the association or organization directly or indirectly
9 influences or attempts to influence the outcome of any legislation
10 pending before the legislature, except that this subdivision does
11 not prevent a person from providing information for a member of the
12 legislature or appearing before a legislative committee at the
13 request of the committee or the member of the legislature; and

14 (5) neither the association or organization nor an
15 employee of the association or organization directly or indirectly
16 contributes any money, services, or other valuable thing to a
17 political campaign or endorses a candidate or group of candidates
18 for public office.

19 (c) If a political subdivision engages in an activity
20 described by Subsection (a) or if [~~(b) If~~] any association or
21 organization supported wholly or partly by payments of tax receipts
22 from political subdivisions engages in an activity described by
23 Subsection (b)(4) [~~(a)(4)~~] or (5), an action for [~~a taxpayer of a~~
24 ~~political subdivision that pays fees or dues to the association or~~
25 ~~organization is entitled to~~] appropriate injunctive relief to
26 prevent any further activity described by Subsection (a) or (b)(4)
27 [~~(a)(4)~~] or (5) or any further payments of fees or dues may be

1 brought by:

2 (1) a taxpayer of a political subdivision that:

3 (A) engages in an activity described by
4 Subsection (a); or

5 (B) pays fees or dues to an association or
6 organization that engages in an activity described by Subsection
7 (b)(4) or (5);

8 (2) the county or district attorney of a county that
9 contains any part of a political subdivision that:

10 (A) engages in an activity described by
11 Subsection (a); or

12 (B) pays fees or dues to an association or
13 organization that engages in an activity described by Subsection
14 (b)(4) or (5);

15 (3) the attorney general; or

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

18 (d) A taxpayer who prevails in an action under Subsection
19 (c) is entitled to recover from the political subdivision the
20 taxpayer's reasonable attorney's fees and costs incurred in
21 bringing the action.

22 SECTION 2. Section 556.0056, Government Code, as
23 redesignated and amended by this Act, applies only to an
24 expenditure or payment of public funds by a political subdivision
25 that is made on or after September 1, 2009. An expenditure or
26 payment of public funds by a political subdivision that is made
27 before September 1, 2009, is governed by the law in effect on the

1 date the expenditure or payment is made, and the former law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2009.