

By: Shaheen

H.B. No. 3219

A BILL TO BE ENTITLED

AN ACT

relating to the use by a school district of public money for lobbying activities or lobbyists.

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

SECTION 1. Subchapter D, Chapter 11, Education Code, is amended by adding Section 11.172 to read as follows:

Sec. 11.172. LOBBYING ACTIVITIES; ASSOCIATIONS. (a) The board of trustees of a school district 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:

(1) a member of the board or an employee of the district 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; or

(2) a member of the board from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature while acting as a member of the board.

(b) The board of trustees of a school district may spend, in the name of the district, public money for membership fees and dues of a nonprofit state association of school districts if:

(1) a majority of the board votes to approve membership in the association;

1           (2) the association exists for the betterment of  
2 school district government and the benefit of all local school  
3 district officials;

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

6           (4) neither the association nor an employee of the  
7 association directly or indirectly influences or attempts to  
8 influence the outcome of any legislation pending before the  
9 legislature; and

10           (5) neither the association nor an employee of the  
11 association directly or indirectly contributes any money,  
12 services, or other valuable thing to a political campaign or  
13 endorses a candidate or group of candidates for public office.

14           (c) Subsection (b)(4) does not prevent a person from  
15 providing information for a member of the legislature or appearing  
16 before a legislative committee at the request of the committee or  
17 the member of the legislature.

18           (d) A school district may not employ in any capacity a  
19 person required to register as a lobbyist under Chapter 305.

20           (e) If a school district or member of the board of trustees  
21 of a school district engages in an activity prohibited by  
22 Subsection (a) or (d) or if any association supported wholly or  
23 partly by payments of tax receipts from school districts engages in  
24 an activity described by Subsection (b)(4) or (5), a taxpayer of the  
25 school district that violates Subsection (a) or (d) or that pays  
26 fees or dues to the association is entitled to appropriate  
27 injunctive relief to prevent any further activity prohibited by

1 Subsection (a) or (d) or described by Subsection (b)(4) or (5) or  
2 any further payments of fees or dues.

3 (f) A taxpayer who prevails in an action under Subsection  
4 (e) is entitled to recover from the school district the taxpayer's  
5 reasonable attorney's fees and costs incurred in bringing the  
6 action.

7 SECTION 2. Section 11.172, Education Code, as added by this  
8 Act, applies only to an expenditure or payment of public funds by a  
9 school district that is made on or after September 1, 2015. An  
10 expenditure or payment of public funds by a school district that is  
11 made before September 1, 2015, is governed by the law in effect on  
12 the date the expenditure or payment is made, and the former law is  
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2015.