

By: Burton

S.B. No. 241

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public money for lobbying activities.

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; ASSOCIATIONS AND ORGANIZATIONS [~~STATE ASSOCIATION OF COUNTIES~~]. (a) This section applies to:

(1) a political subdivision that imposes a tax; or
(2) a regional mobility authority, toll road authority, or transit authority.

(b) 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:

(1) 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;

(2) an elected officer of a political subdivision from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature

1 while acting as an officer of the political subdivision; or

2 (3) an employee of a political subdivision from
3 advocating for or against or otherwise influencing or attempting to
4 influence the outcome of legislation pending before the legislature
5 if those actions would not require a person to register as a
6 lobbyist under Chapter 305.

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

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

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

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

20 (4) neither the association or organization nor an
21 employee of the association or organization directly or indirectly
22 influences or attempts to influence the outcome of any legislation
23 pending before the legislature[~~, except that this subdivision does~~
24 ~~not prevent a person from providing information for a member of the~~
25 ~~legislature or appearing before a legislative committee at the~~
26 ~~request of the committee or the member of the legislature]~~; and

27 (5) [neither] the association or organization does not

1 ~~[nor an employee of the association]~~ directly or indirectly
2 contribute ~~[contributes]~~ any money, services, or other valuable
3 thing to a political campaign or endorse ~~[endorses]~~ a candidate or
4 group of candidates for public office.

5 (d) Subsection (c)(4) does not prevent a person from
6 providing information for a member of the legislature or appearing
7 before a legislative committee at the request of the committee or
8 the member of the legislature.

9 (e) If a political subdivision engages in an activity
10 prohibited by Subsection (b) or if ~~[(b) If]~~ any association or
11 organization supported wholly or partly by payments of public money
12 ~~[tax receipts]~~ from political subdivisions engages in an activity
13 described by Subsection (c)(4) ~~[(a)(4)]~~ or (5), a taxpayer of the
14 ~~[a]~~ political subdivision that engages in the prohibited activity
15 or that pays fees or dues to the association or organization is
16 entitled to appropriate injunctive relief to prevent any further
17 activity prohibited by Subsection (b) or described by Subsection
18 (c)(4) ~~[(a)(4)]~~ or (5) or any further payments of fees or dues.

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

23 SECTION 2. Section 556.0056, Government Code, as
24 redesignated and amended by this Act, applies only to an
25 expenditure or payment of public money by a political subdivision
26 that is made on or after September 1, 2017. An expenditure or
27 payment of public money by a political subdivision that is made

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1 before September 1, 2017, is governed by the law in effect on the
2 date the expenditure or payment is made, and the former law is
3 continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2017.