By:  Hall S.B. No. 29

(In the Senate - Filed March 7, 2019; March 7, 2019, read first time and referred to Committee on State Affairs; April 3, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 2; April 3, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton       X

Fallon          X

Hall            X

Lucio               X

Nelson          X

Zaffirini           X

COMMITTEE SUBSTITUTE FOR S.B. No. 29 By:  Hall

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of money for lobbying and certain other 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 any political subdivision, including a regional mobility authority, toll road authority, or transit authority.

(b)  The governing body of a political subdivision may not spend public money or provide compensation in any manner 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 member of the legislature or the committee;

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

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

(c)  The governing body of a political subdivision [~~commissioners court~~] may not spend any[~~, in the name of the county,~~] money or provide compensation in any manner to an association or organization [~~from the county's general fund~~] for membership fees and dues or for any other purpose unless [~~of a nonprofit state association of 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 pending before the legislature[~~, except that this subdivision does not prevent a person 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~~]; and

(5)  [~~neither~~] the association or organization does not [~~nor an employee of the association~~] directly or indirectly contribute [~~contributes~~] any money, services, or other valuable thing to a political campaign or endorse [~~endorses~~] a candidate or group of candidates for public office.

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

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

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

SECTION 2.  Section 556.0056, Government Code, as transferred, redesignated, and amended by this Act, applies only to an expenditure or payment of money or provision of some other compensation by a political subdivision that is made on or after September 1, 2019. An expenditure or payment of money or provision of some other compensation by a political subdivision that is made before September 1, 2019, is governed by the law in effect on the date the expenditure, payment, or provision is made, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.

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