

By: Middleton

H.B. No. 281

Substitute the following for H.B. No. 281:

By: Harless

C.S.H.B. No. 281

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the use by a political subdivision of public money for
3 lobbying activities.

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

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

8 Sec. 556.0056 [~~89.002~~]. LOBBYING ACTIVITIES; ASSOCIATIONS
9 AND ORGANIZATIONS [~~STATE ASSOCIATION OF COUNTIES~~]. (a) Except as
10 provided by Subsection (b), this section applies to the following
11 political subdivisions:

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

15 (b) This section does not apply to a navigation district
16 created under Section 52, Article III, or Section 59, Article XVI,
17 Texas Constitution.

18 (c) The governing body of a political subdivision may not
19 spend public money to directly or indirectly influence or attempt
20 to influence the outcome of any legislation pending before the
21 legislature. This subsection does not prevent:

22 (1) an officer or employee of a political subdivision
23 from providing information for a member of the legislature or
24 appearing before a legislative committee at the request of the

1 committee or the member of the legislature;

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

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

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

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

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

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

24 (4) neither the association or organization nor an
25 employee of the association or organization directly or indirectly
26 influences or attempts to influence the outcome of any legislation
27 pending before the legislature [~~, except that this subdivision does~~

1 ~~not prevent a person from providing information for a member of the~~
2 ~~legislature or appearing before a legislative committee at the~~
3 ~~request of the committee or the member of the legislature]; and~~

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

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

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

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

1 SECTION 2. The changes in law made by this Act to Section
2 556.0056, Government Code, as redesignated and amended by this Act,
3 apply only to an expenditure or payment of public money by a
4 political subdivision that is made on or after September 1, 2019,
5 including an expenditure or payment of public money by a political
6 subdivision that is made under a contract entered into before, on,
7 or after the effective date of this Act. A contract term providing
8 for an expenditure or payment prohibited by Section 556.0056,
9 Government Code, as redesignated and amended by this Act, is void on
10 the effective date of this Act for being counter to public policy.

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