

By: Hall, et al.

S.B. No. 29

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

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

6 (c) The governing body of a political subdivision
7 [commissioners court] may not spend any[, in the name of the
8 county,] money or provide compensation in any manner to an
9 association or organization [from the county's general fund] for
10 membership fees and dues or for any other purpose unless [of a
11 nonprofit state association of counties if]:

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

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

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

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

26 (5) ~~[neither]~~ the association or organization does not
27 ~~[nor an employee of the association]~~ directly or indirectly

1 contribute [~~contributes~~] any money, services, or other valuable
2 thing to a political campaign or endorse [~~endorses~~] a candidate or
3 group of candidates for public office.

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

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

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

23 SECTION 2. Section 556.0056, Government Code, as
24 transferred, redesignated, and amended by this Act, applies only to
25 an expenditure or payment of money or provision of some other
26 compensation by a political subdivision that is made on or after
27 September 1, 2019. An expenditure or payment of money or provision

1 of some other compensation by a political subdivision that is made
2 before September 1, 2019, is governed by the law in effect on the
3 date the expenditure, payment, or provision is made, and the former
4 law is continued in effect for that purpose.

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