

By: Middleton

S.B. No. 12

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public funds for lobbying and certain other activities.

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

SECTION 1. Chapter 556, Government Code, is amended by adding Section 556.0056 to read as follows:

Sec. 556.0056. RESTRICTION ON USE OF PUBLIC FUNDS BY POLITICAL SUBDIVISIONS FOR LOBBYING ACTIVITIES. (a) A political subdivision may not spend public funds:

(1) to hire an individual required to register as a lobbyist under Chapter 305 for the purpose of lobbying a member of the legislature; or

(2) to pay a nonprofit state association or organization that:

(A) primarily represents political subdivisions;
and

(B) hires or contracts with an individual required to register as a lobbyist under Chapter 305.

(b) If a political subdivision engages in an activity prohibited by Subsection (a), a taxpayer or resident of the political subdivision is entitled to appropriate injunctive relief to prevent further activity prohibited by that subsection and further payment of public funds related to that activity.

(c) A taxpayer or resident who prevails in an action under

1 Subsection (b) is entitled to recover from the political
2 subdivision the taxpayer's or resident's reasonable attorney's fees
3 and costs incurred in bringing the action.

4 (d) This section does not apply to a municipality or county
5 using public funds to compensate or contract with an individual
6 required to register as a lobbyist under Chapter 305 for the purpose
7 of influencing or attempting to influence the outcome of
8 legislation related to the military, military service members, or
9 military veterans.

10 (e) This section does not prohibit a full-time employee of a
11 nonprofit state association or organization that primarily
12 represents political subdivisions of this state from:

13 (1) providing legislative services, including
14 services related to bill tracking, bill analysis, and legislative
15 alerts;

16 (2) communicating directly with a member of the
17 legislature to provide information; or

18 (3) testifying for or against legislation before a
19 legislative committee.

20 SECTION 2. Section 89.002, Local Government Code, is
21 amended to read as follows:

22 Sec. 89.002. STATE ASSOCIATION OF COUNTIES. (a) Except as
23 provided by Section 556.0056, Government Code, the [The]
24 commissioners court may spend, in the name of the county, money from
25 the county's general fund for membership fees and dues of a
26 nonprofit state association of counties if:

27 (1) a majority of the court votes to approve

1 membership in the association;

2 (2) the association exists for the betterment of
3 county government and the benefit of all county officials;

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

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, except that this subdivision does not prevent a person~~
10 ~~from providing information for a member of the legislature or~~
11 ~~appearing before a legislative committee at the request of the~~
12 ~~committee or the member of the legislature; and~~

13 [~~(5)~~] neither the association nor an employee of the
14 association directly or indirectly contributes any money,
15 services, or other valuable thing to a political campaign or
16 endorses a candidate or group of candidates for public office.

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

24 SECTION 3. Section 556.0056, Government Code, as added by
25 this Act, applies only to an expenditure or payment of public funds
26 by a political subdivision that is made on or after the effective
27 date of this Act, including an expenditure or payment of public

1 funds by a political subdivision that is made under a contract
2 entered into before, on, or after the effective date of this Act. A
3 contract term providing for an expenditure or payment prohibited by
4 Section 556.0056, Government Code, as added by this Act, is void on
5 the effective date of this Act.

6 SECTION 4. Section 89.002, Local Government Code, as
7 amended by this Act, applies only to the spending of money by a
8 county from the county's general fund that occurs on or after the
9 effective date of this Act. The spending of money by a county from
10 the county's general fund that occurs before the effective date of
11 this Act is governed by the law as it existed immediately before the
12 effective date of this Act, and that law is continued in effect for
13 that purpose.

14 SECTION 5. This Act takes effect on the 91st day after the
15 last day of the legislative session.