88R5612 MPF-D

By:  Bettencourt S.B. No. 2330

A BILL TO BE ENTITLED

AN ACT

relating to the authorization and reporting of expenditures for lobbying activities by certain political subdivisions and other public entities.

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

SECTION 1.  Chapter 140, Local Government Code, is amended by adding Section 140.014 to read as follows:

Sec. 140.014.  EXPENDITURES FOR LOBBYING ACTIVITIES. (a) This section applies only to a:

(1)  political subdivision that imposes a tax;

(2)  political subdivision or special district that has the authority to issue bonds, including revenue bonds;

(3)  regional mobility authority;

(4)  transit authority;

(5)  regional tollway authority;

(6)  special purpose district;

(7)  public institution of higher education;

(8)  community college district;

(9)  publicly owned utility; and

(10)  river authority.

(b)  A political subdivision or other entity to which this section applies may spend money to directly or indirectly influence or attempt to influence the outcome of legislation pending before the legislature only if the expenditure is:

(1)  authorized by a majority vote of the governing body of the political subdivision or entity in an open meeting of the governing body; and

(2)  voted on by the governing body as a stand-alone item on the agenda at the meeting.

(c)  A political subdivision or other entity to which this section applies shall report to the Texas Ethics Commission and publish on the political subdivision's or entity's Internet website:

(1)  the amount of money authorized under Subsection (b) for the purpose of directly or indirectly influencing or attempting to influence the outcome of legislation pending before the legislature;

(2)  the name of each person required to register under Chapter 305, Government Code, that is retained or employed by or on behalf of the political subdivision or entity for the purpose described by Subdivision (1); and

(3)  an electronic copy of each contract for services for the purpose described by Subdivision (1) that is entered into by the political subdivision or entity, or by a person on behalf of the political subdivision or entity, with each person listed under Subdivision (2).

(d)  In addition to the requirements of Subsection (c), a political subdivision or other entity to which this section applies shall report to the Texas Ethics Commission and publish on the political subdivision's or entity's Internet website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influences or attempts to influence the outcome of legislation pending before the legislature.

(e)  The Texas Ethics Commission shall make available to the public an easily searchable database on the commission's Internet website containing the reports submitted to the commission under Subsection (c).

(f)  If a political subdivision or other entity to which this section applies violates this section, an interested party is entitled to appropriate injunctive relief to prevent further activity in violation of this section. For purposes of this subsection, "interested party" means a person who:

(1)  is a taxpayer of the political subdivision or entity; or

(2)  is served by or receives services from the political subdivision or entity.

(g)  This section does not prevent an officer or employee of a political subdivision or other entity to which this section applies from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature.

SECTION 2.  The Texas Ethics Commission is required to implement the change in law made by Section 140.014(e), Local Government Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Ethics Commission may, but is not required to, implement that change in law using other appropriations available for the purpose.

SECTION 3.  This Act takes effect September 1, 2023.