

By: Troxclair

H.B. No. 3538

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public funds for lobbying 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 SECTION 2. Section 81.026, Local Government Code, is  
5 amended to read as follows:

6 Sec. 81.026. COMMISSIONERS COURT MEMBERSHIP ON  
7 ASSOCIATIONS AND NONPROFIT ORGANIZATIONS. A county judge or  
8 county commissioner may serve on the governing body of or any  
9 committee serving an association of counties, including a nonprofit  
10 state association or organization, except that the county judge or  
11 county commissioner may not spend public funds to serve on the  
12 governing body or committee or to join or otherwise become a member  
13 of the association of counties in violation of Section 556.0056,  
14 Government Code [~~created or operating pursuant to the provisions of~~  
15 ~~Section 89.002~~]. A county judge or county commissioner may serve as  
16 a member of any board of trustees or board of directors or other  
17 governing body of any trust or other entity created pursuant to  
18 interlocal contract for the purpose of forming or administering any  
19 governmental pool, self-insurance pool, insurance pool, or any  
20 other fund or joint endeavor created for the benefit of member  
21 counties and political subdivisions. In addition, a county judge  
22 or county commissioner may serve as a member of the board of  
23 directors of any nonprofit corporation that is created and exists  
24 solely for the purpose of providing administrative or other  
25 services to such trust or other entity. A county judge or county  
26 commissioner, acting as a member of any such board or committee, may  
27 perform any act necessary or appropriate for the rendition of such

1 service, including the casting of votes and deliberations  
2 concerning and execution of contracts or claims with or against any  
3 county. A county judge or commissioner may participate in  
4 deliberations concerning and cast any vote on any matter before the  
5 commissioners court affecting the execution of any contract with or  
6 the payment of claims, premiums, dues, or contributions to any such  
7 trust, association, nonprofit corporation, or entity or any related  
8 matter.

9 SECTION 3. Section 89.002, Local Government Code, is  
10 repealed.

11 SECTION 4. Section 556.0056, Government Code, as added by  
12 this Act, applies only to an expenditure or payment of public funds  
13 by a political subdivision that is made on or after the effective  
14 date of this Act, including an expenditure or payment of public  
15 funds by a political subdivision that is made under a contract  
16 entered into before, on, or after the effective date of this Act. A  
17 contract term providing for an expenditure or payment prohibited by  
18 Section 556.0056, Government Code, as added by this Act, is void on  
19 the effective date of this Act.

20 SECTION 5. This Act takes effect September 1, 2023.