

BILL ANALYSIS

Senate Research Center
89S10433 CJD-F

S.B. 12
By: Middleton et al.
State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are concerns that the use of public funds by political subdivisions for lobbying activities is an improper use of taxpayer funds and that there is a general lack of transparency regarding public spending on lobbying activities. S.B. 12 seeks to address these concerns by prohibiting the use of public funds by political subdivisions for hiring or contracting with a person required to register as a lobbyist under Chapter 305, Government Code. Additionally, S.B. 12 prohibits the use of public funds to pay dues or fees to a non-profit statewide association that primarily represents political subdivisions and hires or contracts with a person required to register as a lobbyist under Chapter 305, Government Code.

As proposed, S.B. 12 amends current law relating to the use by a political subdivision of public funds for lobbying activities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 556, Government Code, by adding Section 556.0056, as follows:

Sec. 556.0056. RESTRICTION ON USE OF PUBLIC FUNDS BY POLITICAL SUBDIVISIONS FOR LOBBYING ACTIVITIES. (a) Prohibits a political subdivision from spending public funds towards certain purposes.

(b) Provides that Subsection (a) does not apply to an association or organization that solely represents elected sheriffs or individual law enforcement officers.

(c) Provides that Subsection (a) does not prohibit certain individuals from taking certain actions.

(d) Provides that, 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.

(e) Provides that a taxpayer or resident who prevails in an action under Subsection (d) is entitled to recover from the political subdivision the taxpayer's or resident's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Amends Section 89.002, Local Government Code, as follows:

Sec. 89.002. STATE ASSOCIATION OF COUNTIES. (a) Creates an exception under Section 556.0056, Government Code. Deletes existing text authorizing the commissioners court, in the name of the county, to spend money from the county's general fund for membership fees and dues of a nonprofit state association of counties if neither the association nor an employee of the association directly or indirectly influences

or attempts to influence the outcome of any legislation pending before the legislature, except that this subdivision does not prevent a person from providing information for a member of the legislature or appearing before a legislative committee at the request of the committee or the member of the legislature. Makes nonsubstantive changes.

(b) Makes conforming changes to this subsection.

SECTION 3. Makes application of Section 556.0056, Government Code, as added by this Act, prospective. Provides that a contract term providing for an expenditure or payment prohibited by Section 556.0056, Government Code, as added by this Act, is void on the effective date of this Act.

SECTION 4. Makes application of Section 89.002, Local Government Code, as amended by this Act, prospective.

SECTION 5. Effective date: the 91st day after the last day of the legislative session.