

By: Troxclair

H.B. No. 56

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the use by a political subdivision of public funds for  
3 lobbying and certain other activities.

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

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

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

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

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

15 (A) primarily represents political subdivisions;  
16 and

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

19 (a-1) Subsection (a) does not apply to an association or  
20 organization that solely represents elected sheriffs.

21 (b) Subsection (a) does not prohibit:

22 (1) an officer or employee of a political subdivision  
23 from providing information for a member of the legislature or  
24 appearing before a legislative committee;

1           (2) an elected officer 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 while acting as an officer of the political subdivision;

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

10           (4) a political subdivision from reimbursing an  
11 officer or full-time employee of the political subdivision for  
12 direct travel expenses incurred by the officer or employee for  
13 engaging in an activity described by Subdivision (1), (2), or (3);  
14 or

15           (5) a full-time employee of a nonprofit association or  
16 organization that primarily represents political subdivisions of  
17 this state from:

18                   (A) providing legislative services related to  
19 bill tracking, bill analysis, and legislative alerts;

20                   (B) communicating directly with a member of the  
21 legislature to provide information if the communication would not  
22 require a person to register as a lobbyist under Chapter 305; or

23                   (C) testifying for or against legislation before  
24 the legislature.

25           (c) If a political subdivision engages in an activity  
26 prohibited by Subsection (a), a taxpayer or resident of the  
27 political subdivision is entitled to appropriate injunctive relief

1 to prevent further activity prohibited by that subsection and  
2 further payment of public funds related to that activity.

3 (d) A taxpayer or resident who prevails in an action under  
4 Subsection (c) is entitled to recover from the political  
5 subdivision the taxpayer's or resident's reasonable attorney's fees  
6 and costs incurred in bringing the action.

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

9 Sec. 89.002. STATE ASSOCIATION OF COUNTIES. (a) Except as  
10 provided by Section 556.0056, Government Code, the commissioners  
11 court may spend, in the name of the county, money from the county's  
12 general fund for membership fees and dues of a nonprofit state  
13 association of counties if:

14 (1) a majority of the court votes to approve  
15 membership in the association;

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

18 (3) the association is not affiliated with a labor  
19 organization; and

20 (4) neither the association nor an employee of the  
21 association directly or indirectly contributes any money,  
22 services, or other valuable thing to a political campaign or  
23 endorses a candidate or group of candidates for public office.

24 (b) If any association or organization supported wholly or  
25 partly by payments of tax receipts from political subdivisions  
26 engages in an activity described by Subsection (a)(4), a taxpayer  
27 of a political subdivision that pays fees or dues to the association

1 or organization is entitled to appropriate injunctive relief to  
2 prevent any further activity described by Subsection (a)(4) or any  
3 further payments of fees or dues.

4 SECTION 3. Section 556.0056, Government Code, as added by  
5 this Act, applies only to an expenditure or payment of public funds  
6 by a political subdivision that is made on or after the effective  
7 date of this Act, including an expenditure or payment of public  
8 funds by a political subdivision that is made under a contract  
9 entered into before, on, or after the effective date of this Act. A  
10 contract term providing for an expenditure or payment prohibited by  
11 Section 556.0056, Government Code, as added by this Act, is void on  
12 the effective date of this Act.

13 SECTION 4. Section 89.002, Local Government Code, as  
14 amended by this Act, applies only to the spending of money by a  
15 county from the county's general fund that occurs on or after the  
16 effective date of this Act. The spending of money by a county from  
17 the county's general fund that occurs before the effective date of  
18 this Act is governed by the law as it existed immediately before the  
19 effective date of this Act, and that law is continued in effect for  
20 that purpose.

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