

By: Schatzline

H.B. No. 94

A BILL TO BE ENTITLED

AN ACT

relating to the use by certain public entities 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 CERTAIN PUBLIC ENTITIES FOR LOBBYING ACTIVITIES. (a) This section applies only to the following public entities:

- (1) a political subdivision that imposes a tax;
- (2) a political subdivision or special district that is authorized to issue bonds, including revenue bonds;
- (3) a regional mobility authority;
- (4) a transit authority;
- (5) a regional tollway authority;
- (6) a special purpose district, including a municipal utility district and a municipal management district;
- (7) a public institution of higher education;
- (8) a community college district;
- (9) a publicly owned utility; and
- (10) a river authority or water supply corporation.

(b) A public entity may not spend public funds:

- (1) to hire or contract with an individual required to register as a lobbyist under Chapter 305 for the purpose of lobbying

1 a member of the legislature; or

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

4 (A) primarily represents public entities; and

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

7 (c) Subsection (b) does not prohibit:

8 (1) an officer or employee of a public entity from
9 providing information for a member of the legislature or appearing
10 before a legislative committee;

11 (2) an elected officer of a public entity from
12 advocating for or against or otherwise influencing or attempting to
13 influence the outcome of legislation pending before the legislature
14 while acting as an officer of the public entity;

15 (3) an employee of a public entity from advocating for
16 or against or otherwise influencing or attempting to influence the
17 outcome of legislation pending before the legislature if those
18 actions would not require a person to register as a lobbyist under
19 Chapter 305;

20 (4) a public entity from reimbursing an officer or
21 full-time employee of the public entity for direct travel expenses
22 incurred by the officer or employee for engaging in an activity
23 described by Subdivision (1), (2), or (3); or

24 (5) a full-time employee of a nonprofit state
25 association or organization that primarily represents public
26 entities from:

27 (A) providing legislative services related to

1 bill tracking, bill analysis, and legislative alerts;

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

5 (C) testifying for or against legislation before
6 the legislature.

7 (d) If a public entity engages in an activity prohibited by
8 Subsection (b), a taxpayer or resident of the public entity, or a
9 person receiving services from the entity, is entitled to
10 appropriate injunctive relief to prevent further activity
11 prohibited by that subsection and further payment of public funds
12 related to that activity.

13 (e) A taxpayer, resident, or other person who prevails in an
14 action under Subsection (d) is entitled to recover from the public
15 entity reasonable attorney's fees and costs incurred in bringing
16 the action.

17 (f) A public entity that violates this section may not
18 receive state funds until the second anniversary of the date the
19 violation occurred.

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 public entity that is made on or after the effective date of
27 this Act, including an expenditure or payment of public funds by a

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