

By: Cain

H.B. No. 81

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public funds for lobbying and certain other 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) Subsection (a) does not prohibit:

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

(2) an elected officer of a political subdivision from advocating for or against or otherwise influencing or attempting to

influence the outcome of legislation pending before the legislature while acting as an officer of the political subdivision;

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

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

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

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

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

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

(c) 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.

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

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

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

12            (1) a majority of the court votes to approve  
13 membership in the association;

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

16            (3) the association is not affiliated with a labor  
17 organization; and

18            (4) ~~[neither the association nor an employee of the~~  
19 ~~association directly or indirectly influences or attempts to~~  
20 ~~influence the outcome of any legislation pending before the~~  
21 ~~legislature, except that this subdivision does not prevent a person~~  
22 ~~from providing information for a member of the legislature or~~  
23 ~~appearing before a legislative committee at the request of the~~  
24 ~~committee or the member of the legislature, and~~

25            ~~[(5)]~~ neither the association nor an employee of  
26 the association directly or indirectly contributes any money,  
27 services, or other valuable thing to a political campaign or

1 endorses a candidate or group of candidates for public office.

2 (b) If any association or organization supported wholly or  
3 partly by payments of tax receipts from political subdivisions  
4 engages in an activity described by Subsection (a)(4) [~~or (5)~~], a  
5 taxpayer of a political subdivision that pays fees or dues to the  
6 association or organization is entitled to appropriate injunctive  
7 relief to prevent any further activity described by Subsection  
8 (a)(4) [~~or (5)~~] or any further payments of fees or dues.

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

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

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