By: Hall S.B. No. 458

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 or contract with 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 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 apply to an association or organization that solely represents elected sheriffs or individual law enforcement officers.

(c) 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 association or organization that primarily represents political subdivisions 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.

(d) 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) 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. Section 89.002, Local Government Code, is amended to read as follows:

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

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

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

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

(4) [~~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; and~~

[~~(5)~~] neither the association nor an employee of the association directly or indirectly contributes any money, services, or other valuable thing to a political campaign or endorses a candidate or group of candidates for public office.

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

SECTION 3. Section 556.0056, Government Code, as added by this Act, applies only to an expenditure or payment of public funds by a political subdivision that is made on or after the effective date of this Act, including an expenditure or payment of public funds by a political subdivision that is made under a contract entered into before, on, or after the effective date of this Act. 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. Section 89.002, Local Government Code, as amended by this Act, applies only to the spending of money by a county from the county's general fund that occurs on or after the effective date of this Act. The spending of money by a county from the county's general fund that occurs before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for

that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.