

By: Burton

S.B. No. 711

A BILL TO BE ENTITLED

AN ACT

relating to the use by a political subdivision of public money for lobbying activities or lobbyists.

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

SECTION 1. Section 89.002, Local Government Code, is transferred to Chapter 556, Government Code, redesignated as Section 556.0056, Government Code, and amended to read as follows:

Sec. 556.0056 [~~89.002~~]. LOBBYING ACTIVITIES; ASSOCIATIONS AND ORGANIZATIONS [~~STATE ASSOCIATION OF COUNTIES~~]. (a) This section applies to:

(1) a political subdivision that imposes a tax; or

(2) a regional mobility authority, toll road authority, or transit authority.

(b) The governing body of a political subdivision may not spend public money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature. This subsection does not prevent:

(1) an officer or employee of a political subdivision 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; or

(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

1 while acting as an officer of the political subdivision.

2 (c) The governing body of a political subdivision  
3 ~~[commissioners court]~~ may spend, in the name of the political  
4 subdivision [county], public money [from the county's general fund]  
5 for membership fees and dues of a nonprofit state association or  
6 organization of similarly situated political subdivisions only  
7 ~~[counties]~~ if:

8 (1) a majority of the governing body [court] votes to  
9 approve membership in the association or organization;

10 (2) the association or organization exists for the  
11 betterment of local [county] government and the benefit of all  
12 local [county] officials;

13 (3) the association or organization is not affiliated  
14 with a labor organization;

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

22 (5) ~~[neither]~~ the association or organization does not  
23 ~~[nor an employee of the association]~~ directly or indirectly  
24 contribute [contributes] any money, services, or other valuable  
25 thing to a political campaign or endorse [endorses] a candidate or  
26 group of candidates for public office.

27 (d) Subsection (c)(4) does not prevent a person from

1 providing information for a member of the legislature or appearing  
2 before a legislative committee at the request of the committee or  
3 the member of the legislature.

4 (e) A political subdivision may not employ in any capacity a  
5 person required to register as a lobbyist under Chapter 305.

6 (f) If a political subdivision engages in an activity  
7 prohibited by Subsection (b) or (e) or if [~~(b)~~—If] any association  
8 or organization supported wholly or partly by payments of tax  
9 receipts from political subdivisions engages in an activity  
10 described by Subsection (c)(4) [~~(a)(4)~~] or (5), a taxpayer of a  
11 political subdivision that pays fees or dues to the association or  
12 organization is entitled to appropriate injunctive relief to  
13 prevent any further activity prohibited by Subsection (b) or (e) or  
14 described by Subsection (c)(4) [~~(a)(4)~~] or (5) or any further  
15 payments of fees or dues.

16 (g) A taxpayer who prevails in an action under Subsection  
17 (f) is entitled to recover from the political subdivision the  
18 taxpayer's reasonable attorney's fees and costs incurred in  
19 bringing the action.

20 SECTION 2. Section 556.0056, Government Code, as  
21 redesignated and amended by this Act, applies only to an  
22 expenditure or payment of public funds by a political subdivision  
23 that is made on or after September 1, 2015. An expenditure or  
24 payment of public funds by a political subdivision that is made  
25 before September 1, 2015, is governed by the law in effect on the  
26 date the expenditure or payment is made, and the former law is  
27 continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2015.