

By: Middleton

H.B. No. 281

A BILL TO BE ENTITLED

AN ACT

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

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 any political subdivision, including 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;

(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; or

(3) an employee of a political subdivision from

1 advocating for or against or otherwise influencing or attempting to  
2 influence the outcome of legislation pending before the legislature  
3 if those actions would not require a person to register as a  
4 lobbyist under Chapter 305.

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

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

13 (2) the association or organization exists for the  
14 betterment of local [county] government and the benefit of all  
15 local [county] officials;

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

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

25 (5) [~~neither~~] the association or organization does not  
26 [~~nor an employee of the association~~] directly or indirectly  
27 contribute [contributes] any money, services, or other valuable

1 thing to a political campaign or endorse [~~endorses~~] a candidate or  
2 group of candidates for public office.

3 (d) Subsection (c)(4) does not prevent a person from  
4 providing information for a member of the legislature or appearing  
5 before a legislative committee at the request of the committee or  
6 the member of the legislature.

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

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

22 SECTION 2. Section 556.0056, Government Code, as  
23 redesignated and amended by this Act, applies only to an  
24 expenditure or payment of public money by a political subdivision  
25 that is made on or after September 1, 2019. An expenditure or  
26 payment of public money by a political subdivision that is made  
27 before September 1, 2019, is governed by the law in effect on the

1 date the expenditure or payment is made, and the former law is  
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2019.