

BILL ANALYSIS

Senate Research Center

S.B. 1944
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, counties are prohibited from joining associations that work to influence legislation. While this law has been applied in certain areas to prevent certain associations from becoming lobbyists for counties, no such law exists for other governmental entities, leading to the possibility of those associations representing taxing entities in lobbying the legislature. Such a situation entails the use of taxpayer money to potentially represent views that do not reflect the majority of the taxing entity's constituents.

As proposed, S.B. 1944 applies the prohibition against the use of public funds for purposes related to lobbying that currently applies only to counties to all taxing jurisdictions. This bill authorizes certain parties to bring an action for injunctive relief for a violation of this provision, and entitles a taxpayer who prevails in such action to recovery of attorney's fees and costs.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Redesignates Section 89.002, Local Government Code, as Section 556.0056, Government Code, and amends it as follows:

Sec. 556.0056. New heading: STATE ASSOCIATIONS AND ORGANIZATIONS. (a) Authorizes the governing body of a political subdivision to spend in the name of the political subdivision, rather than the commissioners court to spend in the name of the county, money from the political subdivision's general fund for membership fees and dues of a nonprofit state association or organization of similarly situated political subdivisions if certain conditions are met. Makes conforming changes.

(b) Authorizes certain entities to bring an action for appropriate injunctive relief to prevent further incidents of the association or organization attempting to influence the outcome of any legislation or by contributing money or an endorsement to a political campaign. Deletes existing text entitling only a taxpayer of a political subdivision that pays fees or dues to the association or organization to take said action.

(c) Entitles a taxpayer who prevails in an action under Subsection (b) to recover from the political subdivision the taxpayer's reasonable attorney's fees and costs incurred in bringing the action.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.