

BILL ANALYSIS

Senate Research Center

H.B. 3739
By: Burnam (Garcia)
Intergovernmental Relations
5/16/2013
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, some municipal employees have been terminated or disciplined because they have become candidates for public office. These punishments often occurred because of a misunderstanding of current election and municipal laws.

H.B. 3739 seeks to remedy this problem by stating that a municipality may not prohibit an employee from becoming a candidate for public office, nor may it take disciplinary action against an employee for the sole reason that the employee is running for office.

H.B. 3739 amends current law relating to the continued employment of municipal employees who become candidates for public office.

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. Amends Chapter 150, Local Government Code, by adding Subchapter C, as follows:

SUBCHAPTER C. EMPLOYEES AS CANDIDATES FOR OFFICE

Sec. 150.041. PROHIBITED MUNICIPAL ACTIONS. (a) Defines "candidate" for this section.

(b) Prohibits a municipality from prohibiting a municipal employee from becoming a candidate for public office.

(c) Prohibits a municipality from taking disciplinary action against a municipal employee, including terminating the employment of the employee, because the employee becomes a candidate for public office.

SECTION 2. Effective date: upon passage or September 1, 2013.

SUMMARY OF COMMITTEE CHANGES

(1) Amends Section 1, on page 1, line 16, by adding "However, the employee is still expected to fulfill all the duties and responsibilities associated with their municipal employment." after "office."