

By: Swinford

H.B. No. 957

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility of certain public officers to the
3 legislature and prohibiting legislators from other public
4 employment.

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

6 SECTION 1. Subtitle A, Title 3, Government Code, is amended
7 by adding Chapter 307 to read as follows:

8 CHAPTER 307. ELIGIBILITY TO LEGISLATURE

9 Sec. 307.001. INELIGIBILITY OF PERSONS HOLDING OTHER
10 OFFICES. (a) A judge of any court, the secretary of state, the
11 attorney general, the clerk of any court of record, or any other
12 person holding a lucrative office under the United States, this
13 state, including a political subdivision of this state, or any
14 foreign government is ineligible to serve in the legislature during
15 the term for which the person is elected or appointed.

16 (b) The ineligibility provided by Subsection (a) applies to
17 the entire term to which the office holder was elected or appointed
18 and is not affected by the office holder's resignation or removal
19 from office before the end of the term.

20 (c) For purposes of Subsection (a), an office is lucrative
21 if the office holder is entitled to receive any salary, fee,
22 reimbursement, or other compensation, no matter how small.

23 (d) A person who is ineligible to serve in the legislature
24 under this section may not file an application for a place on the

1 ballot as a candidate for the legislature for a legislative term
2 during which the ineligibility applies for any portion of the term.
3 An application filed in violation of this subsection is invalid.

4 Sec. 307.002. PROHIBITION ON PUBLIC EMPLOYMENT BY
5 LEGISLATOR. (a) A member of the legislature may not, during the
6 term for which the member is elected, be simultaneously employed in
7 any position under the United States, this state, including a
8 political subdivision of this state, or any foreign government.

9 (b) For purposes of this section, "office" does not include:

10 (1) a notary public; or

11 (2) a position in the armed forces reserve of the
12 United States or this state.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.