

BILL ANALYSIS

C.S.H.B. 3739
By: Burnam
Urban Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that a municipality should not be allowed to dissuade an employee from running for office. The goal of C.S.H.B. 3739 is to prevent such actions by revising the law relating to the continued employment of municipal employees who become candidates for public office.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3739 amends the Local Government Code to prohibit a municipality from prohibiting a municipal employee from becoming a candidate for public office and to prohibit 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3739 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 150, Local Government Code, is amended by adding Subchapter C to read as follows:
SUBCHAPTER C. EMPLOYEES AS CANDIDATES FOR OFFICE
Sec. 150.041. PROHIBITED MUNICIPAL ACTIONS. (a) In this section, "candidate" has the meaning assigned by Section 251.001(1), Election Code.
(b) A municipality may not prohibit a municipal employee from becoming a candidate for public office.
(c) A municipality may not take

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 150, Local Government Code, is amended by adding Subchapter C to read as follows:
SUBCHAPTER C. EMPLOYEES AS CANDIDATES FOR OFFICE
Sec. 150.041. PROHIBITED MUNICIPAL ACTIONS. (a) In this section, "candidate" has the meaning assigned by Section 251.001(1), Election Code.
(b) A municipality may not prohibit a municipal employee from becoming a candidate for public office.
(c) A municipality may not take

disciplinary action against a municipal employee, including terminating the employment of the employee, because the employee becomes a candidate for public office.

(d) A municipality may suspend, with or without pay, a municipal employee who becomes a candidate but must reinstate the employee to the job previously held by the employee when the employee ends the campaign or is elected to office, unless the duties of the office interfere with the person's duties as a municipal employee.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

disciplinary action against a municipal employee, including terminating the employment of the employee, because the employee becomes a candidate for public office.

SECTION 2. Same as introduced version.