

By: White

H.B. No. 470

A BILL TO BE ENTITLED

AN ACT

relating to an elected officer's performance of official duties in exchange for remuneration.

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

SECTION 1. Subchapter A, Chapter 659, Government Code, is amended by adding Section 659.007 to read as follows:

Sec. 659.007. ELECTED OFFICER ACCEPTING REMUNERATION SHALL PERFORM DUTIES. (a) In this section:

(1) "Elected officer" has the meaning assigned by Section 572.002.

(2) "Remuneration" includes salary, compensatory per diem, expense per diem, reimbursement for expenses, longevity pay, and fees.

(b) An elected officer who receives remuneration associated with the office shall:

(1) perform all duties of the office for as long as the officer holds the office; and

(2) be physically present on a regular basis at a location at which official business of the jurisdiction served by the officer is ordinarily conducted.

SECTION 2. Section 21.022(4), Local Government Code, is amended to read as follows:

(4) "Official misconduct" means intentional unlawful behavior relating to official duties by an officer entrusted with

1 the administration of justice or the execution of the law. The term
2 includes an intentional or corrupt failure, refusal, or neglect of
3 an officer to perform a duty imposed on the officer by law and an
4 intentional violation of Section 180.007.

5 SECTION 3. Section 87.011(3), Local Government Code, is
6 amended to read as follows:

7 (3) "Official misconduct" means intentional, unlawful
8 behavior relating to official duties by an officer entrusted with
9 the administration of justice or the execution of the law. The term
10 includes an intentional or corrupt failure, refusal, or neglect of
11 an officer to perform a duty imposed on the officer by law and an
12 intentional violation of Section 180.007.

13 SECTION 4. Chapter 180, Local Government Code, is amended
14 by adding Section 180.007 to read as follows:

15 Sec. 180.007. ELECTED OFFICER ACCEPTING REMUNERATION SHALL
16 PERFORM DUTIES. (a) In this section, "remuneration" includes
17 salary, compensatory per diem, expense per diem, reimbursement for
18 expenses, longevity pay, and fees.

19 (b) An elected officer of a political subdivision of this
20 state who receives remuneration associated with the office shall:

21 (1) perform all duties of the office for as long as the
22 officer holds the office; and

23 (2) be physically present on a regular basis at a
24 location at which official business of the jurisdiction served by
25 the officer is ordinarily conducted.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2013.