

## **BILL ANALYSIS**

C.S.H.B. 1137  
By: Israel  
Government Transparency & Operation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties report that numerous lawsuits have been filed against governmental entities under the state whistleblower law due to confusion over what constitutes an appropriate law enforcement authority for purposes of reporting a violation of law by a state or local entity to such an authority. The parties note that courts have generally ruled that supervisors are not an appropriate law enforcement authority for reporting purposes and point out that in many cases an employee who reports a violation to the employee's supervisor is subsequently fired in reaction to the report. These parties contend that providing protection to a public employee who reports a violation to the employee's supervisor or certain other appropriate individuals at the employing governmental entity or to the attorney general will resolve the issue. C.S.H.B. 1137 seeks to implement this solution.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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. 1137 amends the Government Code to expand the scope of the prohibition against a state or local governmental entity suspending or terminating the employment of, or taking other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority to include those actions against a public employee who makes such a report to the reporting employee's supervisor at the employing governmental entity, an individual or office designated by the employing governmental entity as the appropriate individual or office for reporting such grievances, a member of the human resources staff of the employing governmental entity, or the office of the attorney general.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1137 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 554.002, Government Code, is amended by adding Subsection (c) to read as follows:

No equivalent provision. (But see subsection (c) below.)

(c) For purposes of this section, the term "appropriate law enforcement authority" includes a supervisor, officer, or other person who exercises managerial authority for the employing governmental entity, regardless of whether the supervisor, officer, or other person is authorized to act on a violation of law against third parties outside of the governmental entity.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 554.002(a), Government Code, is amended to read as follows:

(a) A state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to:

- (1) the reporting employee's supervisor at the employing governmental entity;
- (2) an individual or office designated by the employing governmental entity as the appropriate individual or office for reporting such grievances;
- (3) a member of the human resources staff of the employing governmental entity;
- (4) the office of the attorney general; or
- (5) an appropriate law enforcement authority.

No equivalent provision. (But see subsection (a) above.)

SECTION 2. Same as introduced version.