

By: Davis of Harris

H.B. No. 1297

A BILL TO BE ENTITLED

AN ACT

relating to a restriction on the ability of an individual who has engaged in certain actions to be appointed as the executive head of, or be employed as a member of the executive staff of, a state agency.

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

SECTION 1. The heading to Chapter 669, Government Code, is amended to read as follows:

CHAPTER 669. RESTRICTIONS ON CERTAIN ACTIONS INVOLVING EXECUTIVE
HEAD OR EXECUTIVE STAFF OF STATE AGENCY

SECTION 2. Section 669.001, Government Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Executive staff of a state agency" means the management or senior level staff members of the state agency who directly report to the executive head of a state agency.

SECTION 3. Chapter 669, Government Code, is amended by adding Section 669.005 to read as follows:

Sec. 669.005. RESTRICTION ON APPOINTMENT OR EMPLOYMENT OF INDIVIDUAL AS EXECUTIVE HEAD OR EXECUTIVE STAFF OF STATE AGENCY UNDER CERTAIN CIRCUMSTANCES. (a) In this section, "malfeasance" means intentional misconduct or the knowingly improper performance of any act, duty, or responsibility, including unethical or criminal conduct, financial misconduct, or fraud.

(b) An individual may not be appointed as the executive head

1 of a state agency or be employed as a member of the executive staff
2 of a state agency if:

3 (1) the individual was previously the executive head
4 of a state agency or a member of the executive staff of a state
5 agency; and

6 (2) while in that position, the individual:

7 (A) was terminated or removed from office because
8 the individual was found to have engaged in malfeasance;

9 (B) resigned to avoid being terminated or removed
10 because the individual was found to have engaged in malfeasance; or

11 (C) was terminated, removed, or resigned in lieu
12 of termination or removal while under investigation for engaging in
13 malfeasance, if the findings of the investigation later confirm
14 that the individual engaged in malfeasance.

15 SECTION 4. Section 669.005, Government Code, as added by
16 this Act, does not affect the current appointment of the executive
17 head of a state agency who was appointed before the effective date
18 of this Act and does not affect the current employment of a member
19 of the executive staff of a state agency who was hired before the
20 effective date of this Act.

21 SECTION 5. This Act takes effect September 1, 2019.