By: Bhojani H.B. No. 1127

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of violations of law and wasteful spending under the whistleblower protection laws.

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

SECTION 1. The heading to Chapter 554, Government Code, is amended to read as follows:

CHAPTER 554. PROTECTION FOR REPORTING VIOLATIONS OF LAW OR WASTEFUL SPENDING

SECTION 2. Section 554.002, Government Code, is amended to read as follows:

Sec. 554.002. RETALIATION PROHIBITED FOR REPORTING VIOLATION OF LAW OR WASTEFUL SPENDING. (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 or wasteful spending by the employing governmental entity, [~~or~~] another public employee, or an elected officer of the employing governmental entity to:

(1) an appropriate law enforcement authority if the report relates to a violation of law; or

(2) the state auditor's office if the report relates to wasteful spending.

(b) In this section, a report of a violation of law is made to an appropriate law enforcement authority if the authority is a part of a state or local governmental entity or of the federal

government that the employee in good faith believes is authorized to:

(1) regulate under or enforce the law alleged to be violated in the report; or

(2) investigate or prosecute a violation of criminal law.

SECTION 3. Section 554.004, Government Code, is amended to read as follows:

Sec. 554.004. BURDEN OF PROOF; PRESUMPTION; AFFIRMATIVE DEFENSE. (a) A public employee who sues under this chapter has the burden of proof, except that if the suspension or termination of, or adverse personnel action against, a public employee occurs not later than the 90th day after the date on which the employee reports a violation of law or wasteful spending, the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.

(b) It is an affirmative defense to a suit under this chapter that the employing state or local governmental entity would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under this chapter of a violation of law or wasteful spending.

SECTION 4. 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, 2027.