

- SUBJECT:** Mandatory ethical conduct standards for state employees
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 8 ayes — Swinford, Miller, B. Cook, Farrar, J. Keffer, Martinez Fischer, Villarreal, Wong
- 0 nays
- 1 absent — Gattis
- WITNESSES:** None
- BACKGROUND:** Government Code, sec. 572.051 governs standards of conduct for state officers and employees. It states that these employees should not:
- accept or solicit gifts or services that are meant to influence the employee;
 - accept other employment that might lead the employee to disclose confidential information or impair the employee’s independent judgment;
 - make personal investments that could create a conflict between the employee’s public and private interests; or
 - intentionally accept any benefit for performing the employee’s official duties.
- DIGEST:** HB 2933 would specify in Government Code, sec. 572.051 that state officers and employees “shall not” rather than “should not” take the actions covered by the state agency ethics policy.
- The bill would require each state agency, no later than January 1, 2006, to adopt a written ethics policy and distribute a copy of the policy to each new employee within the first three days of the person’s employment. The Texas Ethics Commission would have no authority over a violation of the provisions in this bill.
- The bill would take effect September 1, 2005, and would apply to the conduct of a state officer or employee on or after this date.

**SUPPORTERS
SAY:**

HB 2933 would change statutory language to ensure that employees understand that breaches of conduct and ethical violations are not permitted. Current law inadequately states that employees “should not” do certain things that reasonably would be interpreted to compromise the ethics of the office. This ambiguous phrase should be replaced by a clear ethics policy that employees would be required to understand and follow.

The bill would provide for stronger communication and less confusion between employers and employees regarding ethics. When someone begins a new job, it can be unclear what is and is not allowed. Such rules tend to differ with each job. Although most state agencies have an ethics code, some do not. HB 2933 would make it mandatory that agencies inform new employees within the first three days of employment as to the rules and ethical guidelines for their new jobs.

**OPPONENTS
SAY:**

No apparent opposition.