

BILL ANALYSIS

Senate Research Center

H.B. 590
By: Delisi (Zaffirini)
State Affairs
5/2/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law regarding ethical standards for state agencies states that state officers and employees should not engage in certain activities, but does not mandate ethical behavior.

H.B. 590 clarifies and strengthens ethical standards that apply to state officials and employees by promoting consistent ethical policies among state agencies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 572.051, Government Code, as follows:

Sec. 572.051. New heading: STANDARDS OF CONDUCT; STATE AGENCY ETHICS POLICY. (a) Creates this subsection from existing text regarding certain actions in which a state officer or employee should not engage.

(b) Provides that a state employee who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's employment with the state or another employment-related sanction. Provides that, notwithstanding this subsection, a state officer or employee who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(c) Requires each state agency to adopt a written ethics policy for the agency's employees consistent with the standards prescribed by Subsection (a) and other provisions of this subchapter and distribute a copy of the ethics policy to each new employee and officer within a certain timeframe.

(d) Requires the office of the attorney general, in coordination with the Texas Ethics Commission (TEC), to develop and distribute a model policy that state agencies may use in adopting an agency ethics policy under Subsection (c). Provides that an agency is not required to adopt the model policy developed under this subsection.

(e) Provides that Subchapters E (Complaint Procedures and Hearings) and F (Enforcement), Chapter 571, do not apply to a violation of this section.

(f) Requires the prosecuting attorney, notwithstanding Subsection (e), if a person with knowledge of a violation of an agency ethics policy adopted under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney, to notify TEC of the status of the prosecuting attorney's investigation of the alleged violation not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection. Requires TEC, on the request of the prosecuting attorney, to assist the prosecuting attorney in investigating the alleged violation. Provides

that this subsection does not apply to an alleged violation by a member or employee of TEC.

(g) Requires the office of the attorney general, not later than November 1, 2007, to develop a model ethics policy as required by Subsection (d) and distribute the policy to each state agency required to adopt an ethics policy under Subsection (c).

(h) Requires each state agency, not later than January 1, 2008, to adopt an ethics policy as required by Subsection (c) and distribute a copy of the ethics policy and this subchapter to each employee of the agency.

(i) Provides that Subsections (g) and (h) and this subsection expire January 15, 2008.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.