

By: Delisi, Isett, Callegari, Strama

H.B. No. 2933

A BILL TO BE ENTITLED

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AN ACT

relating to standards of conduct for and conflicts of interest of state officers and employees.

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

SECTION 1. Section 572.051, Government Code, is amended to read as follows:

Sec. 572.051. STANDARDS OF CONDUCT; STATE AGENCY ETHICS POLICY. (a) A state officer or employee shall [~~should~~] not:

(1) accept or solicit any gift, favor, or service that might reasonably tend to influence the officer or employee in the discharge of official duties or that the officer or employee knows or should know is being offered with the intent to influence the officer's or employee's official conduct;

(2) accept other employment or engage in a business or professional activity that the officer or employee might reasonably expect would require or induce the officer or employee to disclose confidential information acquired by reason of the official position;

(3) accept other employment or compensation that could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of the officer's or employee's official duties;

(4) make personal investments that could reasonably be expected to create a substantial conflict between the officer's or

1 employee's private interest and the public interest; or

2 (5) intentionally or knowingly solicit, accept, or  
3 agree to accept any benefit for having exercised the officer's or  
4 employee's official powers or performed the officer's or employee's  
5 official duties in favor of another.

6 (b) Each state agency shall:

7 (1) adopt a written ethics policy consistent with the  
8 standards prescribed by Subsection (a) and other provisions of this  
9 subchapter; and

10 (2) distribute a copy of the ethics policy and this  
11 subchapter to each new employee not later than the third business  
12 day after the date the person begins employment with the agency.

13 (c) The office of the attorney general shall develop in  
14 coordination with the ethics commission and distribute a model  
15 policy that state agencies may use in adopting an agency ethics  
16 policy under Subsection (b). A state agency is not required to  
17 adopt the model policy developed under this subsection.

18 (d) Subchapters E and F, Chapter 571, do not apply to a  
19 violation of this section.

20 (e) Not later than November 1, 2005, the office of the  
21 attorney general shall:

22 (1) develop a model ethics policy as required by  
23 Subsection (c); and

24 (2) distribute the policy to each state agency  
25 required to adopt an ethics policy under Subsection (b).

26 (f) Not later than January 1, 2006, each state agency shall:

27 (1) adopt an ethics policy as required by Subsection

1 (b); and

2 (2) distribute a copy of the ethics policy and this  
3 subchapter to each employee of the agency.

4 (g) Subsections (e) and (f) and this subsection expire  
5 January 15, 2006.

6 SECTION 2. Section 572.051, Government Code, as amended by  
7 this Act, applies only to conduct of a state officer or employee  
8 that occurs on or after September 1, 2005. Conduct of a state  
9 officer or employee that occurs before September 1, 2005, is  
10 governed by the law in effect on the date the conduct occurred, and  
11 the former law is continued in effect for that purpose.

12 SECTION 3. This Act takes effect September 1, 2005.