

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 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) A state employee who violates Subsection (a) or an
7 ethics policy adopted under Subsection (c) is subject to
8 termination of the employee's state employment or another
9 employment-related sanction. Notwithstanding this subsection, a
10 state officer or employee who violates Subsection (a) is subject to
11 any applicable civil or criminal penalty if the violation also
12 constitutes a violation of another statute or rule.

13 (c) Each state agency shall:

14 (1) adopt a written ethics policy for the agency's
15 employees consistent with the standards prescribed by Subsection
16 (a) and other provisions of this subchapter; and

17 (2) distribute a copy of the ethics policy and this
18 subchapter to:

19 (A) each new employee not later than the third
20 business day after the date the person begins employment with the
21 agency; and

22 (B) each new officer not later than the third
23 business day after the date the person qualifies for office.

24 (d) The office of the attorney general shall develop, in
25 coordination with the commission, and distribute a model policy
26 that state agencies may use in adopting an agency ethics policy
27 under Subsection (c). A state agency is not required to adopt the

1 model policy developed under this subsection.

2 (e) Subchapters E and F, Chapter 571, do not apply to a
3 violation of this section.

4 (f) Notwithstanding Subsection (e), if a person with
5 knowledge of a violation of an agency ethics policy adopted under
6 Subsection (c) that also constitutes a criminal offense under
7 another law of this state reports the violation to an appropriate
8 prosecuting attorney, then, not later than the 60th day after the
9 date a person notifies the prosecuting attorney under this
10 subsection, the prosecuting attorney shall notify the commission of
11 the status of the prosecuting attorney's investigation of the
12 alleged violation. The commission shall, on the request of the
13 prosecuting attorney, assist the prosecuting attorney in
14 investigating the alleged violation. This subsection does not
15 apply to an alleged violation by a member or employee of the
16 commission.

17 (g) Not later than November 1, 2007, the office of the
18 attorney general shall:

19 (1) develop a model ethics policy as required by
20 Subsection (d); and

21 (2) distribute the policy to each state agency
22 required to adopt an ethics policy under Subsection (c).

23 (h) Not later than January 1, 2008, each state agency shall:

24 (1) adopt an ethics policy as required by Subsection
25 (c); and

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

1 (i) Subsections (g) and (h) and this subsection expire
2 January 15, 2008.

3 SECTION 2. Section 572.051, Government Code, as amended by
4 this Act, applies only to conduct of a state officer or employee
5 that occurs on or after September 1, 2007. Conduct of a state
6 officer or employee that occurs before September 1, 2007, is
7 governed by the law in effect on the date the conduct occurred, and
8 the former law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2007.

President of the Senate

Speaker of the House

I certify that H.B. No. 590 was passed by the House on April 4, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 590 was passed by the Senate on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor