

By: Raymond

H.B. No. 3610

A BILL TO BE ENTITLED

AN ACT

relating to ethics training for governmental officers and governmental financial advisors.

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

SECTION 1. Subtitle B, Title 5, Government Code, is amended by adding Chapter 576 to read as follows:

CHAPTER 576. ETHICS TRAINING

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 576.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Ethics Commission.

(2) "Ethics training course" means an ethics training course administered under Subchapter B.

(3) "Executive director" means the executive director of the commission.

(4) "Governmental financial advisor" means an employee of a governmental entity that has authority to impose taxes, spend public money, or issue a public security who provides financial advice to the entity.

(5) "Governmental officer" means an individual who is:

(A) elected to public office; or

(B) appointed to office with a governmental or quasi-governmental board, council, district, agency, or other entity that has civic responsibility or holds a public trust.

(6) "Public security" has the meaning provided by

1 Section 1201.002.

2 Sec. 576.002. NOTICE TO SECRETARY OF STATE CONCERNING
3 ELECTION OR APPOINTMENT OF GOVERNMENTAL OFFICER OR EMPLOYMENT OF
4 GOVERNMENTAL FINANCIAL ADVISOR. (a) The secretary or clerk of a
5 governmental entity that has authority to impose taxes, spend
6 public money, or issue a public security shall provide written
7 notice to the secretary of state of:

8 (1) the election or appointment of a governmental
9 officer of the governmental entity; or

10 (2) the employment of a governmental financial advisor
11 by the governmental entity.

12 (b) The notice required by Subsection (a) must include:

13 (1) the individual's name;

14 (2) the governmental office or employment held, as
15 applicable;

16 (3) the individual's full home and business addresses;

17 (4) the individual's home and business telephone
18 numbers; and

19 (5) the individual's electronic mail address.

20 Sec. 576.003. NOTICE TO COMMISSION CONCERNING ELECTION OR
21 APPOINTMENT OF GOVERNMENTAL OFFICER OR EMPLOYMENT OF GOVERNMENTAL
22 FINANCIAL ADVISOR. (a) Following receipt of a notice under
23 Section 576.002, the secretary of state shall provide written
24 notice to the executive director of:

25 (1) the election or appointment of a governmental
26 officer; or

27 (2) the employment by a governmental entity of a

1 governmental financial advisor.

2 (b) A notice under Subsection (a) must include the
3 information required by Section 576.002(b).

4 Sec. 576.004. RULES. The secretary of state or the
5 commission may adopt rules to administer this chapter.

6 [Sections 576.005-576.050 reserved for expansion]

7 SUBCHAPTER B. ETHICS TRAINING

8 Sec. 576.051. REQUIRED ETHICS TRAINING. (a) Each
9 governmental officer or governmental financial advisor shall
10 complete each ethics training course required by this subchapter.

11 (b) A governmental officer first elected or appointed to
12 public office on or after January 1, 2008, shall complete an ethics
13 training course not later than:

14 (1) the fourth anniversary of the officer's initial
15 election or appointment to public office; and

16 (2) the fourth anniversary of the date the officer
17 completed the most recent previous ethics training course.

18 (c) A governmental officer first elected or appointed to
19 public office before January 1, 2008, shall complete an ethics
20 training course not later than:

21 (1) January 1, 2012; and

22 (2) the fourth anniversary of the date the officer
23 completed the most recent previous ethics training course.

24 (d) A governmental financial advisor shall complete an
25 ethics training course within the time prescribed by the
26 commission.

27 Sec. 576.052. ETHICS TRAINING COURSE. (a) An ethics

1 training course for governmental officers and governmental
2 financial advisors must:

3 (1) be provided by the commission or a nonprofit
4 entity acting under a contract with the commission;

5 (2) consist of educational and academic courses in a
6 classroom setting;

7 (3) be provided over a period of six hours;

8 (4) be provided in a location determined by the
9 commission;

10 (5) cover general ethics laws applicable to
11 governmental officers and governmental financial advisors,
12 including, as appropriate:

13 (A) Chapters 302, 305, 556, 572, 573, and 574;

14 (B) Title 15, Election Code;

15 (C) Chapters 145, 159, 171, and 176, Local
16 Government Code; and

17 (D) Chapters 36 and 39, Penal Code;

18 (6) provide examples of situations that involve
19 potential infractions of ethics laws, conflicts of interest, or bad
20 judgment;

21 (7) illustrate the manner in which corruption,
22 malfeasance, and graft may:

23 (A) reduce the efficiency and efficacy of a
24 governmental entity; and

25 (B) strain the entity's budget;

26 (8) include detailed study and discussion of at least
27 three specific cases relating to the civic responsibilities of

1 specific governmental offices and officers; and

2 (9) provide information regarding current issues in
3 public integrity and ethics in government.

4 (b) The commission shall conduct a lottery among local
5 governmental officers and local governmental financial advisors
6 who are required to complete an ethics training course to determine
7 when the officers and advisors will receive the training.

8 Sec. 576.053. NOTICE OF TRAINING. Not later than the 60th
9 day before the date the ethics training course begins, the
10 commission shall provide to an individual required under this
11 subchapter to complete the training course a written notice of the
12 time and place of the training course.

13 Sec. 576.054. PROVISION OF ETHICS TRAINING IN CONJUNCTION
14 WITH OTHER REQUIRED TRAINING. The ethics training required by this
15 subchapter may be provided as part of any other training a
16 governmental officer or governmental financial advisor is required
17 to complete in connection with the person's office or employment.

18 Sec. 576.055. OTHER REQUIRED TRAINING IN ETHICS. The
19 ethics training required by this subchapter is in addition to any
20 other training in ethics required by other law that a governmental
21 officer or governmental financial advisor must complete.

22 Sec. 576.056. CERTIFICATION OF COMPLETION OR NONCOMPLETION
23 OF REQUIRED TRAINING. (a) Following the completion of each
24 ethics training course that a governmental officer is required to
25 complete, the commission shall:

26 (1) deliver a written certification to the secretary
27 of state:

1 (A) identifying each governmental officer who
2 was required to complete the training course; and

3 (B) stating whether each officer completed the
4 training course; and

5 (2) deliver to each governmental entity served by a
6 governmental officer who was required to complete the training
7 course a written certification stating whether the officer
8 completed the training course.

9 (b) Following the completion of each ethics training course
10 that a governmental financial advisor is required to complete, the
11 commission shall deliver to the governmental entity employing the
12 advisor a written certification stating whether the advisor
13 completed the training course.

14 [Sections 576.057-576.100 reserved for expansion]

15 SUBCHAPTER C. ENFORCEMENT

16 Sec. 576.101. REMOVAL OF GOVERNMENTAL OFFICER. (a) A
17 governmental officer who is certified to the secretary of state
18 under Section 576.056 as not having completed the ethics training
19 required by this chapter shall be removed from the officer's
20 position.

21 (b) The removal must be made in accordance with the removal
22 provisions in the Texas Constitution, if applicable. If the
23 constitution does not govern the removal, the removal must be by a
24 quo warranto proceeding.

25 (c) The secretary of state shall deliver written notice to
26 the proper authority that:

27 (1) identifies the governmental officer who has not

1 completed the ethics training required by this chapter; and

2 (2) instructs the authority to begin proceedings to
3 remove the officer from office.

4 Sec. 576.102. REMOVAL BY QUO WARRANTO PROCEEDING. (a) A
5 quo warranto proceeding under this chapter must be brought by the
6 attorney general in a district court in Travis County or in a
7 district court of the county in which the defendant resides.

8 (b) The district or county attorney of the county in which a
9 proceeding is filed under this section shall assist the attorney
10 general at the attorney general's discretion.

11 Sec. 576.103. TERMINATION OF EMPLOYMENT OF GOVERNMENTAL
12 FINANCIAL ADVISOR; INELIGIBILITY FOR FUTURE EMPLOYMENT. (a) A
13 governmental entity shall terminate the employment of a
14 governmental financial advisor employed by the entity who is
15 certified to the governmental entity under Section 576.056 as not
16 having completed the ethics training required by this chapter.

17 (b) A governmental financial advisor who does not complete
18 the required ethics training course is not eligible for employment
19 as a governmental financial advisor before the fifth anniversary of
20 the date the training course ends.

21 Sec. 576.104. EXEMPTION. (a) Sections 576.101-576.103 do
22 not apply to a governmental officer or governmental financial
23 advisor if:

24 (1) the officer or financial advisor delivers to the
25 executive director the sworn statement of a medical doctor that the
26 officer or financial advisor was unable to complete the required
27 ethics training course because of a medical emergency; and

1 (2) the executive director accepts the sworn statement
2 as true.

3 (b) If the executive director accepts a sworn statement
4 under Subsection (a) as true, the executive director shall:

5 (1) provide written notice of the executive director's
6 decision to:

7 (A) the governmental officer or governmental
8 financial advisor affected; and

9 (B) the governmental entity with which the
10 officer serves or that employed the advisor; and

11 (2) schedule the officer or advisor for the next
12 available ethics training course.

13 SECTION 2. Section 571.061(a), Government Code, is amended
14 to read as follows:

15 (a) The commission shall administer and enforce:

16 (1) Chapters 302, 303, 305, 572, 576, and 2004;

17 (2) Subchapter C, Chapter 159, Local Government Code,
18 in connection with a county judicial officer, as defined by Section
19 159.051, Local Government Code, who elects to file a financial
20 statement with the commission; and

21 (3) Title 15, Election Code.

22 SECTION 3. Section 571.071(a), Government Code, is amended
23 to read as follows:

24 (a) The commission shall:

25 (1) provide ethics training courses for governmental
26 officers and governmental financial advisors under Chapter 576;

27 (2) provide additional training by January of each

1 odd-numbered year for members and members-elect of the legislature
2 concerning compliance with the laws administered and enforced by
3 the commission; and

4 (3) [~~(2)~~] provide, in cooperation with state
5 agencies, a program of ethics training for state employees.

6 SECTION 4. Section 571.091(a), Government Code, is amended
7 to read as follows:

8 (a) The commission shall prepare a written opinion
9 answering the request of a person subject to any of the following
10 laws for an opinion about the application of any of these laws to
11 the person in regard to a specified existing or hypothetical
12 factual situation:

13 (1) Chapter 302;

14 (2) Chapter 303;

15 (3) Chapter 305;

16 (4) Chapter 2004;

17 (5) Chapter 572;

18 (6) Chapter 576;

19 (7) Subchapter C, Chapter 159, Local Government Code,
20 as provided by Section 571.061(a)(2);

21 (8) [~~(7)~~] Title 15, Election Code;

22 (9) [~~(8)~~] Chapter 36, Penal Code; or

23 (10) [~~(9)~~] Chapter 39, Penal Code.

24 SECTION 5. Beginning in January 2009, the Texas Ethics
25 Commission shall administer an ethics training course as required
26 by Chapter 576, Government Code, as added by this Act. A person
27 serving as a governmental officer or governmental financial

1 advisor, as defined by Section 576.001, Government Code, as added
2 by this Act, on or after January 1, 2009, shall complete an ethics
3 training course as required by Chapter 576, Government Code, as
4 added by this Act.

5 SECTION 6. This Act takes effect September 1, 2007.