

By: Gonzalez

H.B. No. 2739

A BILL TO BE ENTITLED

AN ACT

relating to the county ethics commission for certain counties.

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

SECTION 1. Section 161.057, Local Government Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) Members of the commission serve terms of two years. Members appointed as provided by Section 161.055(a)(1) serve terms beginning on February 1 of each odd-numbered year. Members appointed as provided by Section 161.055(a)(2) serve terms beginning on February 1 of each even-numbered year.

(a-1) To replace or reappoint the commission members appointed as provided by Section 161.055(a)(2) whose terms expire on January 31, 2013, the commissioners court shall appoint commission members as provided by Section 161.055(a)(2) for one-year terms to begin on February 1, 2013. Thereafter, members appointed as provided by Section 161.055(a)(2) shall serve two-year terms. To the extent of a conflict between this subsection and Subsection (a), this subsection controls. This subsection expires September 1, 2014.

SECTION 2. Section 161.0591, Local Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The position of chair is selected from the commission

1 members by a majority vote of the commission members. The chair
2 serves a term of [~~alternates every~~] six months [~~between members~~
3 ~~appointed under Section 161.055(a)(1) and members appointed under~~
4 ~~Section 161.055(a)(2) and rotates so that each position on the~~
5 ~~commission serves as chair, as follows:~~

6 [~~(1) the rotation of members appointed under Section~~
7 ~~161.055(a)(1) begins with the member appointed by the county judge,~~
8 ~~followed by the members appointed by the county commissioners in~~
9 ~~order of precinct number; and~~

10 [~~(2) the rotation of members appointed under Section~~
11 ~~161.055(a)(2) begins with the member appointed under Section~~
12 ~~161.055(a)(2)(A), followed by the members appointed under Sections~~
13 ~~161.055(a)(2)(B), (C), (D), and (E) in that order].~~

14 (c) A commission member may decline to serve as chair.

15 SECTION 3. Sections 161.104(a) and (c), Local Government
16 Code, are amended to read as follows:

17 (a) Not later than the 30th [~~60th~~] day after the date a
18 person is appointed to the commission, the person must complete
19 training on the following matters:

20 (1) the legislation that created the commission;

21 (2) the role and functions of the commission; and

22 (3) the requirements of:

23 (A) the open meetings law, Chapter 551,
24 Government Code;

25 (B) the public information law, Chapter 552,
26 Government Code; and

27 (C) other laws relating to public officials,

1 including conflict-of-interest laws.

2 (c) A person who is appointed to and qualifies for office as
3 a member of the commission may not vote, deliberate, or be counted
4 as a member in attendance at a meeting of the commission after the
5 30th day after the date the person is appointed to the commission
6 unless ~~[until]~~ the person has completed ~~[completes]~~ a training
7 program as required by Subsection (a) ~~[that complies with this~~
8 ~~section]~~.

9 SECTION 4. Section 161.105, Local Government Code, is
10 amended by amending Subsection (a) and adding Subsection (e) to
11 read as follows:

12 (a) The commission and commission staff shall make
13 available ~~[provide]~~ periodic training for persons covered by the
14 ethics code adopted by the commission ~~[on at least a quarterly~~
15 ~~basis]~~.

16 (e) A person covered by the ethics code or a lobbyist or
17 vendor required by this section to complete training must complete
18 the training as determined by the commission.

19 SECTION 5. Section 161.1551(d), Local Government Code, is
20 amended to read as follows:

21 (d) A commission member serves on the standing preliminary
22 review committee for six months. After the end of a commission
23 member term on the standing preliminary review committee, service
24 on the committee rotates so that each position on the commission
25 serves on the committee, beginning ~~[as provided by Section 161.0591~~
26 ~~for the rotation of the chair, except that the rotation begins]~~ with
27 the initial members of the standing preliminary review committee

1 chosen under Subsection (c) and succeeded by the next member on the
2 list as described below:

3 (1) for the rotation of members appointed under
4 Section 161.055(a)(1), the order of service is the member appointed
5 by the county judge, followed by the members appointed by the county
6 commissioners in order of precinct number; and

7 (2) for the rotation of members appointed under
8 Section 161.055(a)(2), the order of service is the order listed by
9 that section.

10 SECTION 6. Sections 161.157(a) and (b), Local Government
11 Code, are amended to read as follows:

12 (a) A county public servant [~~The county~~] may not suspend or
13 terminate the employment of or take other adverse action against a
14 county employee who in good faith files a complaint or otherwise
15 reports to the commission, commission staff, or another law
16 enforcement authority a violation of the ethics code by a person
17 subject to the ethics code.

18 (b) A county public servant [~~The county~~] may not suspend or
19 terminate the employment of or take other adverse action against a
20 county employee who in good faith participates in the complaint
21 processing, preliminary review, hearing, or any other aspect of the
22 investigation and resolution by the commission of an alleged
23 violation of the ethics code by a person subject to the ethics code.

24 SECTION 7. The change in law made by this Act to Section
25 161.057, Local Government Code, applies only to the term of a member
26 of a county ethics commission appointed on or after the effective
27 date of this Act. The term of a member appointed before the

1 effective date of this Act is governed by the law in effect when the
2 member was appointed, and the former law is continued in effect for
3 that purpose.

4 SECTION 8. This Act takes effect September 1, 2011.