

BILL ANALYSIS

S.B. 334
By: Rodríguez
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2009, the 81st Legislature passed S.B. 1368, which allowed the Commissioners Court of El Paso County to establish an ethics commission with the power to develop and enforce an ethics code governing county officials, employees, contractors, and lobbyists. The commission has been appointed and has been diligently and deliberately developing the ethics code since its first meeting in November 2009.

In the course of performing their duties, the commissioners have become aware of minor inefficiencies or administrative matters that need to be addressed. S.B. 334 codifies the commissioners' recommendations for revisions to the administrative statutes governing their performance.

Current law provides that the standing review committee consist of three persons. However, one member, the review officer, must be an attorney or former judge "retained by the commission." The bill allows a member of the commission who is a practicing attorney or former judge to serve as a review officer because finding an attorney or former judge outside the commission to serve has been difficult and can be costly.

Additionally, the proposed bill clarifies that if the matter is not settled before 30 days after the date the preliminary review committee (committee) receives the respondent's response to the notice given under Section 161.156(b), the committee shall set the matter for a preliminary review hearing.

Finally, the proposed legislation provides that if the matter is not settled by the mutual agreement of the parties before 30 days after the date the committee receives the respondent's response to the notice given under Section 161.156(b), the committee shall set the matter for a preliminary review hearing.

As proposed, S.B. 334 amends current law relating to preliminary review of complaints filed with a county ethics commission.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Sections 161.1551(b) and (e), Local Government Code, as follows:

(b) Provides that the standing preliminary review committee (committee) consists of three persons. Makes a nonsubstantive change.

(e) Authorizes a county ethics commission (commission) member to serve as the review officer.

SECTION 2. Amends Sections 161.159(a) and (b), Local Government Code, as follows:

(a) Requires the respondent, if the alleged violation is a Category One violation, to respond not later than the 14th day after the date the respondent receives the notice and requires the committee to set the matter for a preliminary review hearing at the next committee meeting if the matter is not resolved by agreement between the standing preliminary review committee and the respondent before the 30th day after the date the committee receives the respondent's response, rather than after the respondent receives, the notice given under Section 161.156(b) (relating to required notice sent by the committee to the complainant and the respondent).

(b) Requires the respondent, if the alleged violation is a Category Two violation, to respond to the notice required by Section 161.156(b) not later than the 14th day after the date the respondent receives the notice under Section 161.156(b) and requires the committee to set the matter for a preliminary review hearing at the next committee meeting if the matter is not resolved by agreement between the standing preliminary review committee and the respondent before the 30th day after the date the committee receives the respondent's response, rather than after the respondent receives, the notice given under Section 161.156(b).

EFFECTIVE DATE

Effective date: upon passage or September 1, 2013.