

BILL ANALYSIS

Senate Research Center
77R7058 DLF-F

S.B. 1111
By: Harris
State Affairs
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As Filed

DIGEST AND PURPOSE

Currently, a public servant is prohibited from accepting or agreeing to accept any benefit from a person who has or is likely to have an interest in any matter before the public servant. This poses a problem for attorneys who work as a law clerk or for a prosecutor's office for a limited time to gain experience. Frequently, before these persons begin to work for the court or prosecutor's office, they have already accepted employment with a law firm to begin after the limited term is completed. These types of arrangements possibly violate the Penal Code. If the law is not changed, the ability of the courts and the prosecutor's office to maintain these programs is in jeopardy. As proposed, S.B. 1111 requires a state employee who is employed for a definite, limited time and has entered into an agreement to work for an entity once that time is completed, to file a verified statement with the Ethics Commission. If the employee has filed such a statement and is acting in compliance with a written code of professional conduct authorized under state law, the employee will not be subject to certain provisions of the Penal Code prohibiting a public servant from accepting certain benefits.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 572, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. STATEMENTS OF CERTAIN STATE EMPLOYEES

Sec. 572.101. INFORMATION ON BENEFITS RECEIVED BY CERTAIN SHORT-TERM STATE EMPLOYEES. (a) Authorizes a person who is or is to be employed as a state employee for a definite and limited period of three years or less to solicit, accept, or agree to accept a benefit from a private employer before, during, or after employment by the state only if the benefit is in consideration for the person agreeing to work for the private employer on completion of the person's definite and limited period of state employment and the person complies with Subsections (b), (c), and (d).

(b) Requires a person who receives or anticipates the receipt of a benefit described by Subsection (a) to file a verified statement with the Texas Ethics Commission (commission) that states certain information.

(c) Requires a person required to file a verified statement under Subsection (b) to file the statement not later than the date the person begins the definite and limited term of state employment.

(d) Requires a person to file a supplemental verified statement, if during a person's state employment the person solicits, accepts, agrees to accept, or receives a benefit that has not been reported or that is in addition to or changed from a benefit reported under Subsection (b).

Requires the supplemental verified statement to be filed not later than the seventh day after the date that the new, additional, or changed benefit is first solicited, accepted, agreed to be accepted, or received and requires it to describe the new, additional, or changed benefit.

(e) Provides that Sections 572.029 and 572.032 apply to a statement filed under this section as if the statement were a financial statement required by Subchapter B.

SECTION 2. Amends Section 36.10(a), Penal Code, to provide that Sections 36.08 (Gift to Public Servant) and 36.09 (Offering Gift to Public Servant) do not apply to a benefit to a public servant required to file a statement under Chapter 572B (Personal Financial Statement), Government Code, and a benefit described by Section 572.101, Government Code, as added by this Act, to a public servant if the recipient complies with certain sections or written codes.

SECTION 3. Effective date: upon passage or September 1, 2001.