

BILL ANALYSIS

Senate Research Center

S.B. 585
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Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is home to 25 metropolitan planning organizations (MPOs) providing continuous, cooperative, and comprehensive transportation planning for their respective regions. Each MPO receives federal funding for transportation planning. Some receive state and local funds to carry out their mandated planning activities.

S.B. 585 amends current law relating to standards of conduct and ethics policies for metropolitan planning organizations.

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 Section 472.034, Transportation Code, as follows:

Sec. 472.034. New heading: STANDARDS OF CONDUCT; ETHICS POLICY. (a) Prohibits a policy board member or employee of a metropolitan planning organization from accepting or soliciting any gift, favor, or service that might reasonably tend to influence the member or employee in the discharge of official duties or that the member or employee knows or should know is being offered with the intent to influence the member's or employee's official conduct; accepting other employment or engaging in a business or professional activity that the member or employee might reasonably expect would require or induce the member or employee to disclose confidential information acquired by reason of the official position; accepting other employment or compensation that could reasonably be expected to impair the member's or employee's independence of judgment in the performance of the member's or employee's official duties; making personal investments that could reasonably be expected to create a substantial conflict between the member's or employee's private interest and the public interest; or intentionally or knowingly soliciting, accepting, or agreeing to accept any benefit for having exercised the member's or employee's official powers or performed the member's or employee's official duties in favor of another.

(b) Provides that an employee of a metropolitan planning organization who violates Subsection (a) or an ethics policy adopted under Subsection (c) is subject to termination of the employee's employment or another employment-related sanction. Provides that, notwithstanding this subsection, a policy board member or employee of a metropolitan planning organization who violates Subsection (a) is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

(c) Creates this subsection from existing text. Requires each policy board to adopt bylaws establishing an ethics policy for employees of a metropolitan planning organization and policy board members consistent with the standards prescribed by Subsection (a), including provisions to prevent a policy board member from having a conflict of interest in business before the metropolitan planning organization and distribute a copy of the ethics policy to each new employee not later than the third business day after the date the person begins

employment with the agency and each new policy board member not later than the third business day after the date the person qualifies for office.

(d) Requires the prosecuting attorney, if a person with knowledge of a violation of an ethics policy established under Subsection (c) that also constitutes a criminal offense under another law of this state reports the violation to an appropriate prosecuting attorney who concludes that there is reasonable basis to initiate an investigation, to then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, notify the Texas Ethics Commission (TEC) of the status of the prosecuting attorney's investigation of the alleged violation. Requires TEC, on the request of the prosecuting attorney, to assist the prosecuting attorney in investigating the alleged violation.

(e) Provides that to the extent an employee of a metropolitan planning organization is subject to the ethics policy of another governmental entity and to the extent that policy conflicts with this section, the ethics policy of the other governmental entity prevails.

SECTION 2. Requires each policy board of a metropolitan planning organization, not later than January 1, 2010, to adopt bylaws establishing an ethics policy as required by Section 472.034(c), Transportation Code, as added by this Act, and distribute a copy of the ethics policy to each policy board member and employee.

SECTION 3. Effective date: September 1, 2009.