

BILL ANALYSIS

C.S.H.B. 1036
By: Rose
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, policy board members of metropolitan planning organizations are not required to follow conflicts of interest laws as required of local public officials of municipalities, counties, and certain other local governments.

As proposed, CSHB 1036 would make conflicts of interest laws under Chapter 171, Local Government Code, applicable to policy board members of metropolitan planning organizations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 of the bill defines a "Metropolitan planning organization" as designated or redesignated under 23 U.S.C. Section 134 and defines "policy board" as the policy board of a metropolitan planning organization.

SECTION 1 also requires that policy board members of metropolitan planning organizations be considered a public official for purposes of Chapter 171, Local Government Code. In addition, if a policy board member must abstain from participation in a vote or decision, the member's proxy may not participate in the vote or decision. The appointment of a proxy does not excuse the member from filing an affidavit.

SECTION 2 sets out that this Act applies only to an action taken by a member of the policy board of a metropolitan planning organization, acting in person or by proxy, on or after September 1, 2005. An action taken before September 1, 2005 is subject to the law in effect on the date the action was taken, and the former law is continued in effect for that purpose.

SECTION 3 sets out that this law is effective September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original by adding that if a policy board member of a metropolitan planning organization must abstain from participation in a vote or decision, the member's proxy may not participate in the vote or decision. The appointment of a proxy also does not excuse the member from filing an affidavit. It also provides that the effective date applies to proxies.