

1-1 By: Rose, Keel, Strama H.B. No. 1036
1-2 (Senate Sponsor - Barrientos)
1-3 (In the Senate - Received from the House April 27, 2005;
1-4 April 29, 2005, read first time and referred to Committee on
1-5 Intergovernmental Relations; May 18, 2005, reported favorably by
1-6 the following vote: Yeas 5, Nays 0; May 18, 2005, sent to
1-7 printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to conflicts of interest of policy board members of
1-11 metropolitan planning organizations; providing a criminal penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 472, Transportation Code,
1-14 is amended to read as follows:

1-15 SUBCHAPTER D. METROPOLITAN PLANNING ORGANIZATIONS

1-16 Sec. 472.031. DEFINITIONS. In this subchapter:

1-17 (1) "Metropolitan planning organization" means a
1-18 metropolitan planning organization designated or redesignated
1-19 under 23 U.S.C. Section 134.

1-20 (2) "Policy board" means the policy board of a
1-21 metropolitan planning organization.

1-22 Sec. 472.032. VOTING PROXIES BY POLICY BOARD MEMBERS. (a)
1-23 A policy board [of a metropolitan planning organization designated
1-24 or redesignated under 23 U.S.C. Section 134] may provide in its
1-25 bylaws for appointment of voting proxies by its members.

1-26 (b) A proxy appointed under Subsection (a):

1-27 (1) acts on behalf of and under the supervision of the
1-28 policy board member who appointed the proxy;

1-29 (2) must be appointed in writing; and

1-30 (3) is authorized to vote for the policy board member
1-31 who appointed the proxy to the extent the member has given the proxy
1-32 the member's voting power.

1-33 Sec. 472.033. APPLICABILITY OF CONFLICTS OF INTEREST LAW TO
1-34 POLICY BOARD MEMBERS. (a) A policy board member is considered to
1-35 be a local public official for purposes of Chapter 171, Local
1-36 Government Code.

1-37 (b) If a policy board member must abstain from participation
1-38 in a vote or decision under Section 171.004, Local Government Code,
1-39 the member's proxy appointed under Section 472.032 may not
1-40 participate in the vote or decision.

1-41 (c) The appointment of a proxy by a policy board member does
1-42 not excuse the member from filing an affidavit required under
1-43 Section 171.004, Local Government Code.

1-44 SECTION 2. Section 472.033, Transportation Code, as added
1-45 by this Act, applies only to an action taken by a member of the
1-46 policy board of a metropolitan planning organization, acting in
1-47 person or by proxy, on or after September 1, 2005. An action taken
1-48 by a member of the policy board of a metropolitan planning
1-49 organization, acting in person or by proxy, before September 1,
1-50 2005, is subject to the law in effect on the date the action was
1-51 taken, and the former law is continued in effect for that purpose.

1-52 SECTION 3. This Act takes effect September 1, 2005.

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