

BILL ANALYSIS

S.B. 585
By: Carona
Urban Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas is home to 25 metropolitan planning organizations providing continuous, cooperative, and comprehensive transportation planning for their respective regions. Each organization 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 policy board members and employees 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

S.B. 585 amends the Transportation Code to prohibit 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.

S.B. 585 requires each policy board, not later than January 1, 2010, to adopt bylaws establishing an ethics policy consistent with the standards prescribed by the bill and to distribute a copy of the ethics policy to each employee and policy board member. The bill requires each policy board to distribute a copy of the ethics policy to each new employee and policy board member not later than the third business day after the date the person begins employment with the agency or qualifies for office, as applicable. The bill establishes that an employee who violates the prohibitions described above or an ethics policy is subject to termination of the employee's employment or another employment-related sanction, and that a policy board member or employee who violates the prohibitions is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

S.B. 585 requires a prosecuting attorney, if a person with knowledge of a violation of an ethics policy that also constitutes a criminal offense under another Texas law reports the violation to the prosecuting attorney and the attorney concludes that there is reasonable basis to initiate an investigation, to notify the Texas Ethics Commission of the status of the investigation of the alleged violation not later than the 60th day after the date the person notifies the prosecuting attorney. The bill requires the commission, on the request of the prosecuting attorney, to assist the prosecuting attorney in investigating the alleged violation.

S.B. 585 clarifies 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 provisions of this bill, the ethics policy of the other governmental entity prevails.

EFFECTIVE DATE

September 1, 2009.