

BILL ANALYSIS

Senate Research Center
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S.B. 585
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Transportation & Homeland Security
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As Filed

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.

As proposed, S.B. 585 applies a standard code of conduct to MPO board members and MPO employees. The bill provides that MPO board members or employees who engage in certain activities are subject to termination. S.B. 585 also requires each policy board to adopt the ethics policy and distribute the ethics policy to new employees and new policy board members.

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) Recommends that a policy board member or employee of a metropolitan planning organization should not accept or solicit 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; accept other employment or engage 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; accept other employment or compensation that could be reasonably expected to impair the member's or employee's independence of judgment in the performance of the member's or employee's official duties; make 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 solicit, accept, or agree 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, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, to 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.

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.