

A BILL TO BE ENTITLED

AN ACT

relating to standards of conduct and ethics policies for metropolitan planning organizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 472.034, Transportation Code, is amended to read as follows:

Sec. 472.034. STANDARDS OF CONDUCT; ETHICS POLICY. (a) A policy board member or employee of a metropolitan planning organization may not:

(1) 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;

(2) 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;

(3) accept 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;

(4) make personal investments that could reasonably be

1 expected to create a substantial conflict between the member's or
2 employee's private interest and the public interest; or

3 (5) intentionally or knowingly solicit, accept, or
4 agree to accept any benefit for having exercised the member's or
5 employee's official powers or performed the member's or employee's
6 official duties in favor of another.

7 (b) An employee of a metropolitan planning organization who
8 violates Subsection (a) or an ethics policy adopted under
9 Subsection (c) is subject to termination of the employee's
10 employment or another employment-related sanction.

11 Notwithstanding this subsection, a policy board member or employee
12 of a metropolitan planning organization who violates Subsection (a)
13 is subject to any applicable civil or criminal penalty if the
14 violation also constitutes a violation of another statute or rule.

15 (c) Each policy board shall:

16 (1) adopt bylaws establishing an ethics policy for
17 employees of a metropolitan planning organization and policy board
18 members consistent with the standards prescribed by Subsection (a),
19 including provisions to prevent a policy board member from having a
20 conflict of interest in business before the metropolitan planning
21 organization; and

22 (2) distribute a copy of the ethics policy to:

23 (A) each new employee not later than the third
24 business day after the date the person begins employment with the
25 agency; and

26 (B) each new policy board member not later than
27 the third business day after the date the person qualifies for

1 office.

2 (d) If a person with knowledge of a violation of an ethics
3 policy established under Subsection (c) that also constitutes a
4 criminal offense under another law of this state reports the
5 violation to an appropriate prosecuting attorney who concludes that
6 there is reasonable basis to initiate an investigation, then, not
7 later than the 60th day after the date a person notifies the
8 prosecuting attorney under this subsection, the prosecuting
9 attorney shall notify the Texas Ethics Commission of the status of
10 the prosecuting attorney's investigation of the alleged violation.
11 The Texas Ethics Commission shall, on the request of the
12 prosecuting attorney, assist the prosecuting attorney in
13 investigating the alleged violation.

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

19 SECTION 2. Not later than January 1, 2010, each policy board
20 of a metropolitan planning organization shall adopt bylaws
21 establishing an ethics policy as required by Subsection (c),
22 Section 472.034, Transportation Code, as added by this Act, and
23 distribute a copy of the ethics policy to each policy board member
24 and employee.

25 SECTION 3. This Act takes effect September 1, 2009.