

1-1 By: Carona S.B. No. 585  
1-2 (In the Senate - Filed January 29, 2009; February 23, 2009,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; April 15, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8,  
1-6 Nays 0; April 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 585 By: Carona

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

1-10 relating to standards of conduct and ethics policies for  
1-11 metropolitan planning organizations.

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

1-13 SECTION 1. Section 472.034, Transportation Code, is amended  
1-14 to read as follows:

1-15 Sec. 472.034. STANDARDS OF CONDUCT; ETHICS POLICY. (a) A  
1-16 policy board member or employee of a metropolitan planning  
1-17 organization may not:

1-18 (1) accept or solicit any gift, favor, or service that  
1-19 might reasonably tend to influence the member or employee in the  
1-20 discharge of official duties or that the member or employee knows or  
1-21 should know is being offered with the intent to influence the  
1-22 member's or employee's official conduct;

1-23 (2) accept other employment or engage in a business or  
1-24 professional activity that the member or employee might reasonably  
1-25 expect would require or induce the member or employee to disclose  
1-26 confidential information acquired by reason of the official  
1-27 position;

1-28 (3) accept other employment or compensation that could  
1-29 reasonably be expected to impair the member's or employee's  
1-30 independence of judgment in the performance of the member's or  
1-31 employee's official duties;

1-32 (4) make personal investments that could reasonably be  
1-33 expected to create a substantial conflict between the member's or  
1-34 employee's private interest and the public interest; or

1-35 (5) intentionally or knowingly solicit, accept, or  
1-36 agree to accept any benefit for having exercised the member's or  
1-37 employee's official powers or performed the member's or employee's  
1-38 official duties in favor of another.

1-39 (b) An employee of a metropolitan planning organization who  
1-40 violates Subsection (a) or an ethics policy adopted under  
1-41 Subsection (c) is subject to termination of the employee's  
1-42 employment or another employment-related sanction.  
1-43 Notwithstanding this subsection, a policy board member or employee  
1-44 of a metropolitan planning organization who violates Subsection (a)  
1-45 is subject to any applicable civil or criminal penalty if the  
1-46 violation also constitutes a violation of another statute or rule.

1-47 (c) Each policy board shall:

1-48 (1) adopt bylaws establishing an ethics policy for  
1-49 employees of a metropolitan planning organization and policy board  
1-50 members consistent with the standards prescribed by Subsection (a),  
1-51 including provisions to prevent a policy board member from having a  
1-52 conflict of interest in business before the metropolitan planning  
1-53 organization; and

1-54 (2) distribute a copy of the ethics policy to:

1-55 (A) each new employee not later than the third  
1-56 business day after the date the person begins employment with the  
1-57 agency; and

1-58 (B) each new policy board member not later than  
1-59 the third business day after the date the person qualifies for  
1-60 office.

1-61 (d) If a person with knowledge of a violation of an ethics  
1-62 policy established under Subsection (c) that also constitutes a  
1-63 criminal offense under another law of this state reports the

2-1 violation to an appropriate prosecuting attorney who concludes that  
2-2 there is reasonable basis to initiate an investigation, then, not  
2-3 later than the 60th day after the date a person notifies the  
2-4 prosecuting attorney under this subsection, the prosecuting  
2-5 attorney shall notify the Texas Ethics Commission of the status of  
2-6 the prosecuting attorney's investigation of the alleged violation.  
2-7 The Texas Ethics Commission shall, on the request of the  
2-8 prosecuting attorney, assist the prosecuting attorney in  
2-9 investigating the alleged violation.

2-10 (e) To the extent an employee of a metropolitan planning  
2-11 organization is subject to the ethics policy of another  
2-12 governmental entity and to the extent that policy conflicts with  
2-13 this section, the ethics policy of the other governmental entity  
2-14 prevails.

2-15 SECTION 2. Not later than January 1, 2010, each policy board  
2-16 of a metropolitan planning organization shall adopt bylaws  
2-17 establishing an ethics policy as required by Subsection (c),  
2-18 Section 472.034, Transportation Code, as added by this Act, and  
2-19 distribute a copy of the ethics policy to each policy board member  
2-20 and employee.

2-21 SECTION 3. This Act takes effect September 1, 2009.

2-22

\* \* \* \* \*