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
S.B. No. 585

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

(5) 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) 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.

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) Each policy board shall:

(1) 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

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

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

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

(d) 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 who concludes that there is reasonable basis to initiate an investigation, then, not later than the 60th day after the date a person notifies the prosecuting attorney under this subsection, the prosecuting attorney shall notify the Texas Ethics Commission of the status of the prosecuting attorney's investigation of the alleged violation. The Texas Ethics Commission shall, on the request of the prosecuting attorney, assist the prosecuting attorney in investigating the alleged violation.

(e) 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 this section, the ethics policy of the other governmental entity prevails.

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

SECTION 3. This Act takes effect September 1, 2009.
S.B. No. 585

David Dewhurst
President of the Senate

I hereby certify that S.B. No. 585 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0.

Reiley Snavely
Secretary of the Senate

I hereby certify that S.B. No. 585 passed the House on May 25, 2009, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:
19 JUN '09

Rick Perry
Governor

Filed in the Office of the Secretary of State 2 PM O' Clock
JUN 19 2009

Colby Hunters III