

1 AN ACT

2 relating to conflicts of interest of policy board members of
3 metropolitan planning organizations; providing a criminal penalty.

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

5 SECTION 1. Subchapter D, Chapter 472, Transportation Code,
6 is amended to read as follows:

7 SUBCHAPTER D. METROPOLITAN PLANNING ORGANIZATIONS

8 Sec. 472.031. DEFINITIONS. In this subchapter:

9 (1) "Metropolitan planning organization" means a
10 metropolitan planning organization designated or redesignated
11 under 23 U.S.C. Section 134.

12 (2) "Policy board" means the policy board of a
13 metropolitan planning organization.

14 Sec. 472.032. VOTING PROXIES BY POLICY BOARD MEMBERS. (a)
15 A policy board [~~of a metropolitan planning organization designated~~
16 ~~or redesignated under 23 U.S.C. Section 134~~] may provide in its
17 bylaws for appointment of voting proxies by its members.

18 (b) A proxy appointed under Subsection (a):

19 (1) acts on behalf of and under the supervision of the
20 policy board member who appointed the proxy;

21 (2) must be appointed in writing; and

22 (3) is authorized to vote for the policy board member
23 who appointed the proxy to the extent the member has given the proxy
24 the member's voting power.

1 Sec. 472.033. APPLICABILITY OF CONFLICTS OF INTEREST LAW TO
2 POLICY BOARD MEMBERS. (a) A policy board member is considered to
3 be a local public official for purposes of Chapter 171, Local
4 Government Code.

5 (b) If a policy board member must abstain from participation
6 in a vote or decision under Section 171.004, Local Government Code,
7 the member's proxy appointed under Section 472.032 may not
8 participate in the vote or decision.

9 (c) The appointment of a proxy by a policy board member does
10 not excuse the member from filing an affidavit required under
11 Section 171.004, Local Government Code.

12 SECTION 2. Section 472.033, Transportation Code, as added
13 by this Act, applies only to an action taken by a member of the
14 policy board of a metropolitan planning organization, acting in
15 person or by proxy, on or after September 1, 2005. An action taken
16 by a member of the policy board of a metropolitan planning
17 organization, acting in person or by proxy, before September 1,
18 2005, is subject to the law in effect on the date the action was
19 taken, and the former law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 1036 was passed by the House on April 26, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1036 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Spaw

Secretary of the Senate

APPROVED: 17 JUNE '05

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM '05
Roger Williams
Secretary of State