

## BILL ANALYSIS

Senate Research Center  
79R10826 ESH-D

H.B. 1036  
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Intergovernmental Relations  
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Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 1036 makes members of metropolitan planning organizations policy boards subject to conflict of interest provisions applicable to local elected officials. It also provides that if such provisions require a member to abstain from voting on a matter, that member's proxy is also precluded from voting on that matter.

### 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 Subchapter D, Chapter 472, Transportation Code, as follows:

Sec. 472.031. DEFINITIONS. Defines "metropolitan planning organization" and "policy board."

Sec. 472.032. New heading: VOTING PROXIES BY POLICY BOARD MEMBERS. Deletes existing text referring to a metropolitan planning organization designated or redesignated under 23 U.S.C. Section 134.

Sec. 472.033. APPLICABILITY OF CONFLICTS OF INTEREST LAW TO POLICY BOARD MEMBERS. (a) Provides that a policy board member (member) is considered to be a local public official for purposes of Chapter 171 (Regulation of Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments), Local Government Code.

(b) Prohibits a member's appointed proxy from participating in the vote or decision, if the member is required to abstain from participation in a vote or decision under Section 171.004, Local Government Code.

(c) Provides that the appointment of a proxy by a member does not excuse the member from filing an affidavit required under Section 171.004 (Affidavit and Abstention from Voting Required), Local Government Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.