

BILL ANALYSIS

Senate Research Center
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H.B. 634
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In a 2009 report on the Sunset Advisory Commission's (SAC) review of the Texas Department of Transportation (TxDOT), SAC adopted a recommendation to strengthen the general statutory prohibitions against lobbying by that state agency, and to prohibit the use of TxDOT funds in an attempt to influence passage or defeat of a legislative measure.

State funds being used to engage in marketing or advertising that provides useful public information is an acceptable use of state revenues. However, activities that promote legislation, including the development or use of toll roads, is not.

The purpose of this legislation is to clarify that promotional activities by TxDOT concerning development and use of toll projects or toll roads would be impermissible under the Transportation Code.

The bill explicitly states that TxDOT is not authorized to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism. However, TxDOT would continue to have the authority to conduct marketing and advertising activities to inform the public with regard to the status of pending and ongoing toll projects. TxDOT would also be allowed to inform the public regarding the use and availability of toll tags and other toll-related resources. Some of those efforts could be done through news releases with minimal or no cost to TxDOT.

The governor vetoed this bill last session, in part, because it prevented the state from advertising resources such as toll tags. This bill remedies the governor's concern with regard to that issue.

H.B. 634 amends current law relating to toll project information provided by the Texas Department of Transportation.

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 Section 228.004, Transportation Code, as follows:

Sec. 228.004. New heading: TOLL PROJECT INFORMATION. (a) Creates this subsection from existing text. Authorizes the Texas Department of Transportation (TxDOT), notwithstanding Chapter 2113 (Use of Appropriated Money), Government Code, to:

(1) engage in marketing, advertising, and other activities to provide information relating to:

(A) the status of pending or ongoing toll projects; or

(B) the use and availability of toll tags or other toll-related resources available to the public; and

(2) enter into contracts or agreements necessary to procure marketing, advertising, or informational services from outside service providers to provide the information described by Subdivision (1).

Deletes existing text authorizing TxDOT, notwithstanding Chapter 2113, Government Code, to engage in marketing, advertising, and other activities to promote the development and use of toll projects, and to enter into contracts or agreements necessary to procure marketing, advertising, or other promotional services from outside providers.

(b) Provides that this section does not authorize TxDOT to engage in marketing, advertising, or other activities for the purpose of influencing public opinion about the use of toll roads or the use of tolls as a financial mechanism or promoting or advocating for the benefits of toll roads.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.