

BILL ANALYSIS

H.B. 2142
By: McClendon
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes the Texas Department of Transportation to engage in marketing, advertising, and other activities to promote the development and use of toll projects. However, during a review of the department's systems, practices, and procedures in the sunset process, the Sunset Advisory Commission adopted a recommendation to strengthen the lobbying prohibitions that apply to the department and to prohibit the use of department money to influence the passage or defeat of a legislative measure. Activities to promote the development and use of toll projects are functionally equivalent to influencing the passage or defeat of legislation relating to toll roads and toll projects. The commission's report cited the implementation and design of the department's *Keep Texas Moving* campaign as a tolling and Trans-Texas Corridor outreach campaign, including a website, a newsletter, and radio, television, print, billboard, and Internet advertising. Several members of the legislature and the public questioned the use of state money for such a campaign.

H.B. 2142 authorizes the department to conduct informational campaigns about the status of pending or ongoing state highway toll projects, rather than promotional campaigns for the development and use of toll projects or toll roads. The bill explicitly states that the department 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.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2142 amends the Transportation Code to specify that the authorization for the Texas Department of Transportation to engage in marketing, advertising, or other activities is for providing information relating to the status of pending or ongoing toll projects, rather than for promoting the development and use of toll projects, and that the authorization to enter into contracts or agreements is for procuring marketing, advertising, or informational, rather than other promotional, services from outside service providers. The bill specifies that the authorizations do not authorize the department 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.

EFFECTIVE DATE

September 1, 2009.