

By: Gallego

H.B. No. 2685

A BILL TO BE ENTITLED

AN ACT

relating to the acceptance of gratuities by certain employees of the Parks and Wildlife Department.

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

SECTION 1. Subchapter B, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.0262 to read as follows:

Sec. 11.0262. CERTAIN GRATUITIES AUTHORIZED. (a) An employee of the state parks division of the department may accept a gratuity if:

(1) the employee, as a primary job duty, serves food or beverages in a restaurant, cafeteria, or other food service establishment located within a state park and owned and operated by the department;

(2) the gratuity is offered by a customer of the restaurant, cafeteria, or other food service establishment in appreciation of being served food or beverages by the employee;

(3) the department has designated the employee as an employee authorized to accept a gratuity; and

(4) the employee reports the gratuity in accordance with commission rules.

(b) The commission may adopt rules necessary to implement this section.

SECTION 2. Section 36.10, Penal Code, is amended by adding Subsection (d) to read as follows:

1 (d) Section 36.08 (Gift to Public Servant) does not apply to
2 a gratuity accepted and reported in accordance with Section
3 11.0262, Parks and Wildlife Code. Section 36.09 (Offering Gift to
4 Public Servant) does not apply to a gratuity that is offered in
5 accordance with Section 11.0262, Parks and Wildlife Code.

6 SECTION 3. Subchapter C, Chapter 572, Government Code, is
7 amended by adding Section 572.061 to read as follows:

8 Sec. 572.061. CERTAIN GRATUITIES AUTHORIZED. This
9 subchapter does not prohibit the acceptance of a gratuity that is
10 accepted and reported in accordance with Section 11.0262, Parks and
11 Wildlife Code.

12 SECTION 4. The change in law made by Section 36.10(d), Penal
13 Code, applies to a criminal action with respect to an offense under
14 Section 36.08 or 36.09, Penal Code, committed before, on, or after
15 the effective date of this Act, except that a final conviction for
16 an offense under one of those provisions that exists on the
17 effective date of this Act is unaffected by this Act.

18 SECTION 5. This Act takes effect September 1, 2005.