

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

1 Subsection (d) to read as follows:

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

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

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

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

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

H.B. No. 2685

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2685 was passed by the House on April 29, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 2685 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor