

1-1 By: Gallego (Senate Sponsor - Madla) H.B. No. 2685
1-2 (In the Senate - Received from the House May 2, 2005;
1-3 May 3, 2005, read first time and referred to Committee on Natural
1-4 Resources; May 13, 2005, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the acceptance of gratuities by certain employees of
1-9 the Parks and Wildlife Department.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 11, Parks and Wildlife
1-12 Code, is amended by adding Section 11.0262 to read as follows:

1-13 Sec. 11.0262. CERTAIN GRATUITIES AUTHORIZED. (a) An
1-14 employee of the state parks division of the department may accept a
1-15 gratuity if:

1-16 (1) the employee, as a primary job duty, serves food or
1-17 beverages in a restaurant, cafeteria, or other food service
1-18 establishment located within a state park and owned and operated by
1-19 the department;

1-20 (2) the gratuity is offered by a customer of the
1-21 restaurant, cafeteria, or other food service establishment in
1-22 appreciation of being served food or beverages by the employee;

1-23 (3) the department has designated the employee as an
1-24 employee authorized to accept a gratuity; and

1-25 (4) the employee reports the gratuity in accordance
1-26 with commission rules.

1-27 (b) The commission may adopt rules necessary to implement
1-28 this section.

1-29 SECTION 2. Section 36.10, Penal Code, is amended by adding
1-30 Subsection (d) to read as follows:

1-31 (d) Section 36.08 (Gift to Public Servant) does not apply to
1-32 a gratuity accepted and reported in accordance with Section
1-33 11.0262, Parks and Wildlife Code. Section 36.09 (Offering Gift to
1-34 Public Servant) does not apply to a gratuity that is offered in
1-35 accordance with Section 11.0262, Parks and Wildlife Code.

1-36 SECTION 3. Subchapter C, Chapter 572, Government Code, is
1-37 amended by adding Section 572.061 to read as follows:

1-38 Sec. 572.061. CERTAIN GRATUITIES AUTHORIZED. This
1-39 subchapter does not prohibit the acceptance of a gratuity that is
1-40 accepted and reported in accordance with Section 11.0262, Parks and
1-41 Wildlife Code.

1-42 SECTION 4. The change in law made by Section 36.10(d), Penal
1-43 Code, applies to a criminal action with respect to an offense under
1-44 Section 36.08 or 36.09, Penal Code, committed before, on, or after
1-45 the effective date of this Act, except that a final conviction for
1-46 an offense under one of those provisions that exists on the
1-47 effective date of this Act is unaffected by this Act.

1-48 SECTION 5. This Act takes effect September 1, 2005.

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