

By: Carona

S.B. No. 459

A BILL TO BE ENTITLED

AN ACT

relating to the provision of benefits to members of the Texas
Transportation Commission; providing criminal penalties.

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

SECTION 1. Subchapter B, Chapter 201, Transportation Code,
is amended by adding Sections 201.060 and 201.061 to read as
follows:

Sec. 201.060. GIFT TO COMMISSIONER; OFFENSE. (a) In this
section, "benefit" means anything reasonably regarded as pecuniary
gain or pecuniary advantage, including benefit to any other person
in whose welfare the beneficiary has a direct and substantial
interest.

(b) A commissioner commits an offense if the commissioner
solicits, accepts, or agrees to accept any benefit from:

(1) a person the commissioner knows to be subject to
regulation, inspection, or investigation by the commission; or

(2) a person the commissioner knows is interested in
or likely to become interested in any contract, purchase, payment,
claim, transaction, or matter involving the exercise of the
commissioner's discretion.

(c) A commissioner who receives an unsolicited benefit that
the commissioner is prohibited from accepting under this section
may donate the benefit to a governmental entity that has the
authority to accept the gift or may donate the benefit to a

1 recognized tax-exempt charitable organization formed for
2 educational, religious, or scientific purposes.

3 (d) This section does not apply to:

4 (1) a fee prescribed by law to be received by a
5 commissioner;

6 (2) a benefit to which the commissioner is lawfully
7 entitled; or

8 (3) a benefit for which the commissioner gives
9 legitimate consideration in a capacity other than as a
10 commissioner.

11 (e) An offense under this section is a Class A misdemeanor.

12 (f) If conduct that constitutes an offense under this
13 section also constitutes an offense under Section 36.08, Penal
14 Code, the actor may be prosecuted under this section or Section
15 36.08.

16 Sec. 201.061. OFFERING GIFT TO COMMISSIONER; OFFENSE. (a)
17 A person commits an offense if the person offers, confers, or agrees
18 to confer any benefit on a commissioner that the person knows the
19 commissioner is prohibited from accepting under Section 201.060.

20 (b) An offense under this section is a Class A misdemeanor.

21 (c) If conduct that constitutes an offense under this
22 section also constitutes an offense under Section 36.09, Penal
23 Code, the actor may be prosecuted under this section or Section
24 36.09.

25 SECTION 2. The change in law made by this Act applies only
26 to an offense committed on or after September 1, 2007. An offense
27 committed before September 1, 2007, is covered by the law in effect

1 when the offense was committed, and the former law is continued in
2 effect for that purpose. For the purposes of this section, an
3 offense was committed before September 1, 2007, if any element of
4 the offense occurred before that date.

5 SECTION 3. This Act takes effect September 1, 2007.