

1-1 By: Carona S.B. No. 459  
1-2 (In the Senate - Filed February 5, 2007; February 21, 2007,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 12, 2007, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; March 12, 2007, sent to printer.)

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

1-8 relating to the provision of benefits to members of the Texas  
1-9 Transportation Commission; providing criminal penalties.

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

1-11 SECTION 1. Subchapter B, Chapter 201, Transportation Code,  
1-12 is amended by adding Sections 201.060 and 201.061 to read as  
1-13 follows:

1-14 Sec. 201.060. GIFT TO COMMISSIONER; OFFENSE. (a) In this  
1-15 section, "benefit" means anything reasonably regarded as pecuniary  
1-16 gain or pecuniary advantage, including benefit to any other person  
1-17 in whose welfare the beneficiary has a direct and substantial  
1-18 interest.

1-19 (b) A commissioner commits an offense if the commissioner  
1-20 solicits, accepts, or agrees to accept any benefit from:

1-21 (1) a person the commissioner knows to be subject to  
1-22 regulation, inspection, or investigation by the commission; or

1-23 (2) a person the commissioner knows is interested in  
1-24 or likely to become interested in any contract, purchase, payment,  
1-25 claim, transaction, or matter involving the exercise of the  
1-26 commissioner's discretion.

1-27 (c) A commissioner who receives an unsolicited benefit that  
1-28 the commissioner is prohibited from accepting under this section  
1-29 may donate the benefit to a governmental entity that has the  
1-30 authority to accept the gift or may donate the benefit to a  
1-31 recognized tax-exempt charitable organization formed for  
1-32 educational, religious, or scientific purposes.

1-33 (d) This section does not apply to:

1-34 (1) a fee prescribed by law to be received by a  
1-35 commissioner;

1-36 (2) a benefit to which the commissioner is lawfully  
1-37 entitled; or

1-38 (3) a benefit for which the commissioner gives  
1-39 legitimate consideration in a capacity other than as a  
1-40 commissioner.

1-41 (e) An offense under this section is a Class A misdemeanor.

1-42 (f) If conduct that constitutes an offense under this  
1-43 section also constitutes an offense under Section 36.08, Penal  
1-44 Code, the actor may be prosecuted under this section or Section  
1-45 36.08.

1-46 Sec. 201.061. OFFERING GIFT TO COMMISSIONER; OFFENSE.

1-47 (a) A person commits an offense if the person offers, confers, or  
1-48 agrees to confer any benefit on a commissioner that the person knows  
1-49 the commissioner is prohibited from accepting under Section  
1-50 201.060.

1-51 (b) An offense under this section is a Class A misdemeanor.

1-52 (c) If conduct that constitutes an offense under this  
1-53 section also constitutes an offense under Section 36.09, Penal  
1-54 Code, the actor may be prosecuted under this section or Section  
1-55 36.09.

1-56 SECTION 2. The change in law made by this Act applies only  
1-57 to an offense committed on or after September 1, 2007. An offense  
1-58 committed before September 1, 2007, is covered by the law in effect  
1-59 when the offense was committed, and the former law is continued in  
1-60 effect for that purpose. For the purposes of this section, an  
1-61 offense was committed before September 1, 2007, if any element of  
1-62 the offense occurred before that date.

1-63 SECTION 3. This Act takes effect September 1, 2007.

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