

BILL ANALYSIS

C.S.H.B. 2629
By: Branch
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recently, the Texas Ethics Commission set out an opinion stating that an honorarium accepted under the Penal Code provision allowing an officeholder to accept transportation, lodging, and meals, if the officeholder provides certain services that are more than merely perfunctory, could be considered a political contribution under certain circumstances.

C.S.H.B. 2629 clarifies that the acceptance of transportation, lodging, and meals in connection with certain events in which an officeholder renders such services is not considered a political contribution. The bill seeks to codify a long-standing commission interpretation that certain Penal Code prohibitions on receiving or providing benefits do not apply to such expenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2629 amends the Penal Code to specify that transportation, lodging, and meals accepted by a public servant in connection with a conference or similar event in which a public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, is not a political contribution as that term is defined by provisions of law regulating political funds and campaigns. The bill makes provisions of law making it an offense for a person to offer certain gifts to a public servant and for a public servant to accept certain gifts inapplicable to such transportation, lodging, and meal expenses.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2629 differs from the original by specifying that transportation, lodging, and meals accepted by a public servant in connection with certain events in which a public servant renders services are not a political contribution as that term is defined by provisions of law regulating political funds and campaigns, whereas the original makes that specification applicable to an honorarium consisting of the acceptance by a public servant of transportation and lodging expenses and meals in connection with such an event.

C.S.H.B. 2629 differs from the original by making provisions of law that make it an offense for a person to offer certain gifts to a public servant and for a public servant to accept certain gifts inapplicable to such transportation, lodging, and meals, whereas the original makes such provisions inapplicable to an honorarium consisting of the acceptance by a public servant of transportation and lodging expenses and meals in connection with specified events.

C.S.H.B. 2629 omits a saving provision included in the original and differs from the original in nonsubstantive ways.