

By: Wentworth

S.B. No. 1269

A BILL TO BE ENTITLED

1 AN ACT
2 relating to honorariums offered to and accepted by public servants.

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

4 SECTION 1. Section 36.07, Penal Code, is amended by adding
5 Section (b-1) to read as follows:

6 (b-1) An honorarium described by Subsection (b) is not a
7 political contribution as defined by Title 15, Election Code.

8 SECTION 2. Section 36.10(a), Penal Code, is amended to read
9 as follows:

10 (a) Sections 36.08 (Gift to Public Servant) and 36.09
11 (Offering Gift to Public Servant) do not apply to:

12 (1) a fee prescribed by law to be received by a public
13 servant or any other benefit to which the public servant is lawfully
14 entitled or for which he gives legitimate consideration in a
15 capacity other than as a public servant;

16 (2) a gift or other benefit conferred on account of
17 kinship or a personal, professional, or business relationship
18 independent of the official status of the recipient; or

19 (3) a benefit to a public servant required to file a
20 statement under Chapter 572, Government Code, or a report under
21 Title 15, Election Code, that is derived from a function in honor or
22 appreciation of the recipient if:

23 (A) the benefit and the source of any benefit in
24 excess of \$50 is reported in the statement; and

1 (B) the benefit is used solely to defray the
2 expenses that accrue in the performance of duties or activities in
3 connection with the office which are nonreimbursable by the state
4 or political subdivision;

5 (4) a political contribution as defined by Title 15,
6 Election Code;

7 (5) a gift, award, or memento to a member of the
8 legislative or executive branch that is required to be reported
9 under Chapter 305, Government Code;

10 (6) an item with a value of less than \$50, excluding
11 cash or a negotiable instrument as described by Section 3.104,
12 Business & Commerce Code; ~~[or]~~

13 (7) an item issued by a governmental entity that
14 allows the use of property or facilities owned, leased, or operated
15 by the governmental entity; or

16 (8) an honorarium described by Section 36.07(b).

17 SECTION 3. The changes in law made by this Act apply only to
18 an honorarium accepted on or after the effective date of this Act.
19 An honorarium accepted before the effective date of this Act is
20 governed by the law in effect when the honorarium was made, and the
21 former law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2011.