

1-1 By: Wentworth S.B. No. 1269
1-2 (In the Senate - Filed March 8, 2011; March 16, 2011, read
1-3 first time and referred to Select Committee on Open Government;
1-4 April 12, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 3, Nays 0; April 12, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1269 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to transportation, lodging, and meals offered to and
1-11 accepted by public servants.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 36.07, Penal Code, is amended by adding
1-14 Subsection (b-1) to read as follows:

1-15 (b-1) Transportation, lodging, and meals described by
1-16 Subsection (b) are not political contributions as defined by Title
1-17 15, Election Code.

1-18 SECTION 2. Subsection (a), Section 36.10, Penal Code, is
1-19 amended to read as follows:

1-20 (a) Sections 36.08 (Gift to Public Servant) and 36.09
1-21 (Offering Gift to Public Servant) do not apply to:

1-22 (1) a fee prescribed by law to be received by a public
1-23 servant or any other benefit to which the public servant is lawfully
1-24 entitled or for which he gives legitimate consideration in a
1-25 capacity other than as a public servant;

1-26 (2) a gift or other benefit conferred on account of
1-27 kinship or a personal, professional, or business relationship
1-28 independent of the official status of the recipient; or

1-29 (3) a benefit to a public servant required to file a
1-30 statement under Chapter 572, Government Code, or a report under
1-31 Title 15, Election Code, that is derived from a function in honor or
1-32 appreciation of the recipient if:

1-33 (A) the benefit and the source of any benefit in
1-34 excess of \$50 is reported in the statement; and

1-35 (B) the benefit is used solely to defray the
1-36 expenses that accrue in the performance of duties or activities in
1-37 connection with the office which are nonreimbursable by the state
1-38 or political subdivision;

1-39 (4) a political contribution as defined by Title 15,
1-40 Election Code;

1-41 (5) a gift, award, or memento to a member of the
1-42 legislative or executive branch that is required to be reported
1-43 under Chapter 305, Government Code;

1-44 (6) an item with a value of less than \$50, excluding
1-45 cash or a negotiable instrument as described by Section 3.104,
1-46 Business & Commerce Code; ~~or~~

1-47 (7) an item issued by a governmental entity that
1-48 allows the use of property or facilities owned, leased, or operated
1-49 by the governmental entity; or

1-50 (8) transportation, lodging, and meals described by
1-51 Section 36.07(b).

1-52 SECTION 3. This Act takes effect September 1, 2011.

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