

## BILL ANALYSIS

Senate Research Center

H.B. 2685  
By: Gallego (Madla)  
Natural Resources  
5/10/2005  
Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current state law holds that a state employee is unable to accept a gratuity.

While this provision is meant to safeguard against corruption, it has negatively affected a number of state employees who work in the food service industry and rely on gratuities to supplement their salary.

H.B. 2685 allows an employee of the state park division whose primary job duty is to serve food or beverages to accept tips as a salary supplement under certain conditions.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Parks and Wildlife Commission in SECTION 1 (Section 11.0262, Parks and Wildlife Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 11, Parks and Wildlife Code, by adding Section 11.0262, as follows:

Sec. 11.0262. CERTAIN GRATUITIES AUTHORIZED. (a) Authorizes an employee of the state parks division of the Parks and Wildlife Department (department) to accept a gratuity under certain conditions.

(b) Authorizes the Parks and Wildlife Commission to adopt rules necessary to implement this section.

SECTION 2. Amends Section 36.10, Penal Code, by adding Subsection (d), to provide that Section 36.08 (Gift to Public Servant) does not apply to a gratuity accepted and reported in accordance with Section 11.0262, Parks and Wildlife Code. Provides that Section 36.09 (Offering Gift to Public Servant) does not apply to a gratuity that is offered in accordance with Section 11.0262, Parks and Wildlife Code.

SECTION 3. Amends Subchapter C, Chapter 572, Government Code, by adding Section 572.061, as follows:

Sec. 572.061. CERTAIN GRATUITIES AUTHORIZED. Provides that this subchapter does not prohibit the acceptance of a gratuity that is accepted and reported in accordance with Section 11.0262, Parks and Wildlife Code.

SECTION 4. Provides that the change in law made by Section 36.10(d), Penal Code, applies to a criminal action with respect to an offense under Section 36.08 or 36.09, Penal Code, committed before, on, or after the effective date of this Act, except that a final conviction for an offense under one of those provisions that exists on the effective date of this Act is unaffected by this Act.

SECTION 5. Effective date: September 1, 2005.