

## **BILL ANALYSIS**

Senate Research Center  
80R5169 JRH-D

S.B. 459  
By: Carona  
Transportation & Homeland Security  
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As Filed

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

Current law provides that a public servant commits a Class A misdemeanor if he or she accepts a gift from a person who could benefit from a decision made by the public servant in his or her official capacity. The law also provides certain exceptions to this provision, including, but not limited to, food, lodging, transportation, or entertainment that the donor or donee is required by law to report.

Currently, the Texas Transportation Commission (TTC) oversees more contracts than any other agency (one-fourth of all state contracts) and has the largest dollar value of contracts (\$11 billion). TTC holds meetings outside of Austin, in which the host cities may provide receptions, lunches, and breakfasts. The costs of these events are underwritten by local merchants, chambers of commerce, tax dollars, and in some instances, vendors who may ultimately receive a benefit from decisions made by TTC. Ethics provisions prohibiting a public servant from accepting a gift or benefit are no more stringent for TTC commissioners than those applicable to other public officials.

As proposed, S.B. 459 specifically prohibits TTC commissioners from accepting gifts from persons the commissioners know to be subject to regulation or investigation by TTC or to be interested in business transactions involving TTC.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter B, Chapter 201, Transportation Code, by adding Sections 201.060 and 201.061, as follows:

Sec. 201.060. GIFT TO COMMISSIONER; OFFENSE. (a) Defines "benefit."

(b) Provides that it is an offense for a commissioner of the Texas Transportation Commission (TTC) to solicit, accept, or agree to accept any benefit from certain persons.

(c) Authorizes a commissioner who receives an unsolicited benefit that is prohibited by this section to donate the benefit to a governmental entity that is authorized to accept the gift or to donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

(d) Sets forth certain circumstances in which this section does not apply.

(e) Provides that an offense under this section is a Class A misdemeanor.

(f) Authorizes an offense under this section which also constitutes an offense under Section 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction), Penal Code, to be prosecuted under either section.

Sec. 201.061. OFFERING GIFT TO COMMISSIONER; OFFENSE. (a) Provides that a person commits an offense by offering, conferring, or agreeing to confer any benefit on a commissioner that the person knows the commissioner is ineligible to accept under Section 201.060.

(b) Provides that an offense under this section is a Class A misdemeanor.

(c) Authorizes an offense under this section which also constitutes an offense under Section 36.09 (Offering Gift to Public Servant), Penal Code, to be prosecuted under either section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.