

BILL ANALYSIS

Senate Research Center
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S.B. 1269
By: Wentworth
Open Government
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2009, the Texas Ethics Commission adopted Ethics Advisory Opinion No. 484. This opinion stated that expenditures accepted under the provisions of Section 36.07(b) (relating to a public servant accepting transportation and lodging expenses), Penal Code, which allows an officeholder to accept transportation, lodging, and meals if the officeholder provides services that are more than merely perfunctory, could be considered a political contribution under certain circumstances. The Ethics Advisory Opinion was recently withdrawn by the Ethics Commission, leaving the current state of the law unclear.

S.B. 1269 clarifies the law such that transportation, lodging, and meals accepted under the statute are not political contributions. It also codifies a longstanding Ethics Commission interpretation that the prohibitions on receiving or providing benefits described in Sections 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction) and 36.09 (Offering Gift to Public Servant), Penal Code, do not apply to such benefits.

As proposed, S.B. 1269 amends current law relating to honorariums offered to and accepted by public servants.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.07, Penal Code, by adding Subsection (b-1) to provide that an honorarium described by Subsection (b) (relating to a public servant accepting transportation and lodging expenses) is not a political contribution as defined by Title 15 (Regulating Political Funds and Campaigns), Election Code.

SECTION 2. Amends Section 36.10(a), Penal Code, to provide that Sections 36.08 (Gift to Public Servant by Person Subject to His Jurisdiction) and 36.09 (Offering Gift to Public Servant) do not apply to certain things, including an honorarium described by Section 36.07(b).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2011.