

AN ACT

relating to the solicitation by state officers and employees of and recommendations regarding contributions to charitable organizations and governmental entities.

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

SECTION 1. Subchapter C, Chapter 572, Government Code, is amended by adding Section 572.060 to read as follows:

Sec. 572.060. SOLICITATION OF OR RECOMMENDATIONS REGARDING CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS AND GOVERNMENTAL ENTITIES. (a) Unless otherwise prohibited by the Code of Judicial Conduct, a state officer or state employee may:

(1) solicit from any person a contribution to:

(A) an organization that:

(i) is exempt from income taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3) of that code;

(ii) does not attempt to influence legislation as a substantial part of the organization's activities; and

(iii) has not elected under Section 501(h), Internal Revenue Code of 1986, to have that subsection apply to the organization; or

(B) a governmental entity; or

(2) recommend to any person that the person make a

1 contribution to an organization or entity described by Subdivision
2 (1).

3 (b) A monetary contribution solicited or recommended as
4 provided by Subsection (a) must:

5 (1) be paid or made directly to the charitable
6 organization or governmental entity by the person making the
7 contribution;

8 (2) be in the form of a check, money order, or similar
9 instrument payable to the charitable organization or governmental
10 entity; or

11 (3) be in the form of a deduction from a state
12 employee's salary or wage payment under the state employee
13 charitable campaign under Subchapter I, Chapter 659.

14 (c) A contribution solicited or recommended as provided by
15 Subsection (a) that is not a monetary contribution must be
16 delivered directly to the charitable organization or governmental
17 entity by the person making the contribution.

18 (d) A contribution paid as provided by Subsection (b) or
19 delivered as provided by Subsection (c) is not:

20 (1) a political contribution to, or political
21 expenditure on behalf of, the state officer or state employee for
22 purposes of Title 15, Election Code;

23 (2) an expenditure for purposes of Chapter 305; or

24 (3) a benefit to the state officer or state employee
25 for purposes of Sections 36.08 and 36.09, Penal Code.

26 SECTION 2. This Act takes effect September 1, 2005.

H.B. No. 762

President of the Senate

Speaker of the House

I certify that H.B. No. 762 was passed by the House on March 30, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 762 on May 3, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 762 was passed by the Senate, with amendments, on April 29, 2005, by the following vote: Yeas 29, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor