

By: Nixon, et al. (Senate Sponsor - Ellis) H.B. No. 762
(In the Senate - Received from the House March 31, 2005;
April 5, 2005, read first time and referred to Committee on
Government Organization; April 20, 2005, reported favorably by the
following vote: Yeas 7, Nays 0; April 20, 2005, sent to printer.)

A BILL TO BE ENTITLED
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) 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
contribution to an organization or entity described by Subdivision
(1).

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

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

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

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

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

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

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

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

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

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

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