

BILL ANALYSIS

H.B. 365
By: Chisum
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires that auctions for charitable purposes be conducted by an auctioneer who receives no compensation. Since auctioneers are licensed, this limits the pool of available people who are able to donate their time. In addition, the term "charitable or nonprofit organization" used in current law needs to be clarified.

HB 365 will allow a person to conduct an auction for charitable, religious, or civic organizations without having to be an auctioneer. The measure also clarifies the type of organizations that are exempt from regulation.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 1802.002 (3) of the Occupations Code to clarify that the Section does not apply to religious, or civic organizations, including a tax exempt organization under Section 501(c) of the Internal Revenue Code of 1986, or organized as a nonprofit entity, if the person conducting the auction receives no compensation.

SECTION 2. This Act takes effect immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.