

BILL ANALYSIS

C.S.H.B. 3113
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A number of nonprofit wildlife associations depend on formally recognized local volunteer chapters, affiliates, or regional units located across Texas, especially in rural areas, to serve their mission of disseminating information about conservation. The activities of these local affiliates are designed to help promote the cause of conservation, at no cost to the state, and to encourage citizens across Texas to become involved in and knowledgeable about the benefits and needs of wildlife conservation. Current law regarding nonprofit organizations that are eligible to conduct raffles stipulates that such organizations are prohibited from participating or intervening in any political campaign in any manner, which prevents many of these nonprofit, primarily volunteer, associations from holding charity raffles to raise funds for their activities.

C.S.H.B. 3113 authorizes a nonprofit wildlife conservation association that participates in political activities and its volunteer local chapters to conduct raffles if the proceeds are not used to influence legislation or participate or intervene in any political campaign or on behalf of any candidate for public office in any manner, including publishing or distributing a statement or making campaign contributions. The bill prohibits a parent organization or its local chapter, affiliate, or unit from conducting more than two raffles apiece per year. The bill provides a means for nonprofit wildlife conservation associations to raise money to support their local groups' activities and efforts to further the cause of wildlife conservation, and to preserve and promote natural resources in Texas.

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

C.S.H.B. 3113 amends the Occupations Code to provide that a nonprofit wildlife conservation association and its local chapters, affiliates, or units are qualified nonprofit organizations under the Charitable Raffle Enabling Act if the parent association meets the appropriate eligibility criteria, other than the criteria excluding an organization on the basis of attempting to influence legislation or participating or intervening in any political campaign. The bill prohibits an eligible association or local chapter, affiliate, or unit from using any proceeds from a charitable raffle to attempt to influence legislation or to participate or intervene in a political campaign on behalf of a candidate for public office in any manner, including by publishing or distributing a statement or making a campaign contribution. The bill authorizes a nonprofit wildlife conservation association and each local chapter, affiliate, or unit to each conduct two charitable raffles each year under the act. The bill provides that, for purposes of these provisions, a nonprofit wildlife conservation association includes an association that supports wildlife, fish, or fowl.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3113 differs from the original by applying provisions and prohibitions relating to a nonprofit wildlife conservation association to its local chapters, affiliates, and units, rather than only to local chapters as in the original. The substitute differs from the original by specifying that a nonprofit wildlife conservation association is the parent association of its local entities, whereas the original does not make that distinction.

C.S.H.B. 3113 adds a provision not in the original to establish that for the purposes of these provisions a nonprofit wildlife conservation association includes an association that supports wildlife, fish, or fowl.