

1-1 By: Crossover (Senate Sponsor - Estes) H.B. No. 2549  
1-2 (In the Senate - Received from the House May 6, 2011;  
1-3 May 9, 2011, read first time and referred to Committee on  
1-4 Government Organization; May 19, 2011, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 6,  
1-6 Nays 0; May 19, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2549 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority of a state employee to authorize a  
1-11 deduction from the employee's salary or wage payment for a  
1-12 charitable contribution to certain entities.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle D, Title 4, Government Code, is amended  
1-15 by adding Chapter 450 to read as follows:

1-16 CHAPTER 450. EDUCATIONAL PROGRAMS TO ADVANCE THE TEACHING OF TEXAS  
1-17 HISTORY

1-18 Sec. 450.001. APPLICABILITY OF CHAPTER. In this chapter  
1-19 "charitable historical organization" means an entity that:

1-20 (1) is organized as a nonprofit organization;

1-21 (2) has its main office at an institution of higher  
1-22 education, as that term is defined under Section 61.003, Education  
1-23 Code; and

1-24 (3) maintains an established educational department  
1-25 that provides:

1-26 (A) opportunities for students in this state to  
1-27 study and work to preserve the history, heritage, and symbols of  
1-28 this state; and

1-29 (B) training and resources to assist educators in  
1-30 developing effective strategies to teach students about the  
1-31 heritage, history, and symbols of this state.

1-32 Sec. 450.002. FUNDING. For the purposes of Subchapter I,  
1-33 Chapter 659:

1-34 (1) a charitable historical organization is  
1-35 considered an eligible charitable organization entitled to  
1-36 participate in a state employee charitable campaign; and

1-37 (2) a state employee is entitled to authorize a  
1-38 deduction for contributions to a charitable historical  
1-39 organization as a charitable contribution under Section 659.132,  
1-40 and the organization may use the contributions for the purpose of  
1-41 administering and providing educational outreach programs  
1-42 established by the organization.

1-43 SECTION 2. Sections 659.140 and 659.134, Government Code,  
1-44 are amended to read as follows:

1-45 Sec. 659.140. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY  
1-46 COMMITTEE. (a) The state employee charitable campaign policy  
1-47 committee shall consist [~~consists~~] of 13 [~~not more than 10~~]  
1-48 members.

1-49 (b) The governor with the advice and consent of the senate  
1-50 shall [~~may~~] appoint four members who are state employees at the time  
1-51 of their appointment and three members who are retired state  
1-52 employees receiving benefits under Chapter 814 [~~not more than four~~  
1-53 ~~members~~]. The lieutenant governor and the comptroller may appoint  
1-54 not more than three members each. An appointment to the committee  
1-55 shall be made without regard to the race, color, disability, sex,  
1-56 religion, age, or national origin of the appointee. The state  
1-57 policy committee shall elect a chairman biennially from its own  
1-58 membership.

1-59 (c) A [~~Each~~] member of the state policy committee may not  
1-60 receive compensation for serving on the committee and is not  
1-61 entitled to reimbursement from state funds for expenses incurred in  
1-62 performing functions as a member of the committee [~~must be a state~~  
1-63 ~~employee~~]. The membership must represent employees at different

2-1 levels of employee classification.

2-2 (d) A person may not be a member of the committee if the  
2-3 person or the person's spouse is employed by or participates in the  
2-4 management or sits on the board of any entity or organization  
2-5 including any federation or fund that receives money through the  
2-6 state employee charitable campaign [Appointments shall be made to  
2-7 the state policy committee to ensure that the committee reflects  
2-8 the race, ethnicity, and national origin of the residents of this  
2-9 state].

2-10 (e) The state policy committee shall:

2-11 (1) establish local campaign areas based on  
2-12 recommendations by the state advisory committee;

2-13 (2) select as the state campaign manager:

2-14 (A) a federated community campaign organization;  
2-15 or

2-16 (B) ~~[in the absence of an application by an~~  
2-17 ~~organization described by Paragraph (A),]~~ a charitable  
2-18 organization determined by the state policy committee to have  
2-19 demonstrated the capacity to conduct a state campaign;

2-20 (3) determine the eligibility of a federation or fund  
2-21 and its affiliated agencies for statewide participation in the  
2-22 state employee charitable campaign;

2-23 (4) approve the recommended campaign plan, budget, and  
2-24 generic materials to be used by campaign managers;

2-25 (5) oversee the state employee charitable campaign to  
2-26 ensure that all campaign activities are conducted fairly and  
2-27 equitably to promote unified solicitation on behalf of all  
2-28 participants; and

2-29 (6) perform other duties prescribed by the  
2-30 comptroller's rules.

2-31 (f) The state employee charitable campaign policy committee  
2-32 is subject to the open meetings law, Chapter 551, Government Code.

2-33 (g) The state employee charitable campaign policy committee  
2-34 is subject to the public information law, Chapter 552, Government  
2-35 Code.

2-36 (h) Any contract entered into under Chapter 659, Subchapter  
2-37 I must require the contracting vendor, institution, individual,  
2-38 corporation, or other business or charitable entity to provide all  
2-39 information maintained by the entity related to the expenditure of  
2-40 public funds to the state employee charitable campaign policy  
2-41 committee upon request.

2-42 (i) The state employee charitable campaign policy committee  
2-43 is subject to the Texas Sunset Act. Unless continued in existence  
2-44 as provided by that chapter, the committee is abolished and  
2-45 Government Code Chapter 659, Subchapter I, and Sections 814.0095  
2-46 and 814.0096 expire on September 1, 2013.

2-47 Sec. 659.134. DESIGNATION OF AN ELIGIBLE CHARITABLE  
2-48 ORGANIZATION. (a) A state employee or retired state employee  
2-49 receiving benefits under Chapter 814 who chooses to make a  
2-50 deduction must [may] designate in the authorization an eligible  
2-51 charitable organization to receive the deductions.

2-52 ~~[(b) If a state employee does not designate an eligible~~  
2-53 ~~charitable organization, the employee's deductions shall be~~  
2-54 ~~distributed to each participating federation or fund and eligible~~  
2-55 ~~local charitable organization in the proportion that the deductions~~  
2-56 ~~designated for that charitable organization bear to the total of~~  
2-57 ~~designated deductions in the local state employee charitable~~  
2-58 ~~campaign.]~~

2-59 SECTION 3. This Act takes effect September 1, 2011.

2-60 \* \* \* \* \*