

BILL ANALYSIS

H.B. 20
By: Darby
Disaster Preparedness & Flooding, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that Texas lacks proactive mechanisms to help citizens identify legitimate disaster relief organizations, leaving the public vulnerable to fraud and diverting resources from actual victims. H.B. 20 seeks to combat fraudulent charitable solicitations during disasters by employing a two-pronged preventive strategy through which legitimate disaster relief organizations can be certified under a voluntary program administered by the attorney general and educational materials on identifying and avoiding fraudulent charitable solicitations must be made available to the public.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the attorney general in SECTION 2 of this bill.

ANALYSIS

H.B. 20 amends the Government Code to require the attorney general, in consultation with the Texas Division of Emergency Management (TDEM), to establish and administer a certification program for organizations that solicit and accept donations to provide disaster relief services during a declared disaster, defined by the bill as the following:

- a disaster declared by the U.S. president;
- a state of disaster declared by the governor under the Texas Disaster Act of 1975; or
- a local state of disaster declared by the presiding officer of the governing body of a political subdivision under that act.

The bill establishes that the purpose of the certification program is to assist the public in identifying reputable organizations to which the public may donate to support disaster relief efforts. The bill also establishes that participation in the program is voluntary and that an organization is not required to obtain certification issued to a disaster relief organization under the program to solicit or accept donations in response to a declared disaster.

H.B. 20 requires the attorney general, in consultation with TDEM, to establish by rule the following:

- eligibility criteria that an organization must meet and maintain to qualify for a certification;
- procedures for evaluating certification applications; and
- procedures for renewal and revocation of certifications.

The bill authorizes the attorney general to also consult with the emergency management council for purposes of adopting such rules and authorizes an organization to apply for a certification in

the form and manner prescribed by the attorney general. The bill requires the attorney general to maintain and regularly update a public registry of organizations certified under the bill's provisions on the attorney general's website and to prescribe and approve a seal that may be used and displayed by an organization certified under the bill.

H.B. 20 requires a state or local governmental entity administering a grant or other program that provides state money to support mitigation, preparedness, response, recovery, or other relief efforts in response to a declared disaster to consider an organization's certification status under the bill's provisions when evaluating the organization's application for state money under the grant or other program. The bill requires the attorney general, in consultation with TDEM and as soon as practicable after the bill's effective date, to adopt rules to implement the bill's provisions relating to voluntary certification of disaster relief organizations.

H.B. 20 requires TDEM, in consultation with the consumer protection division of the attorney general's office, to create and make available to the public on the respective agencies' websites educational materials regarding how to identify and avoid fraudulent charitable solicitations during a disaster.

EFFECTIVE DATE

91st day after the last day of the legislative session.