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By:  Darby H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to certain measures to prevent and reduce fraudulent charitable solicitations during disasters, including establishing a voluntary certification program for disaster relief organizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.0431 to read as follows:

Sec. 418.0431.  EDUCATIONAL MATERIALS ON IDENTIFYING AND AVOIDING FRAUDULENT CHARITABLE SOLICITATIONS. The division, in consultation with the consumer protection division of the attorney general's office, shall create and make available to the public on the respective agencies' Internet websites educational materials regarding how to identify and avoid fraudulent charitable solicitations during a disaster.

SECTION 2.  Chapter 418, Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. VOLUNTARY CERTIFICATION OF DISASTER RELIEF ORGANIZATIONS

Sec. 418.401.  DEFINITIONS. In this subchapter:

(1)  "Certification" means the certification issued to a disaster relief organization under this subchapter.

(2)  "Certification program" means the certification program established under this subchapter.

(3)  "Declared disaster" means:

(A)  a disaster declared by the president of the United States;

(B)  a state of disaster declared by the governor under Section 418.014; or

(C)  a local state of disaster declared by the presiding officer of the governing body of a political subdivision under Section 418.108.

Sec. 418.402.  VOLUNTARY CERTIFICATION PROGRAM FOR DISASTER RELIEF ORGANIZATIONS. (a) The attorney general, in consultation with the division, shall establish and administer a certification program for organizations that solicit and accept donations to provide disaster relief services during a declared disaster. 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.

(b)  Participation in the certification program is voluntary. An organization is not required to obtain certification under the program to solicit or accept donations in response to a declared disaster.

Sec. 418.403.  ELIGIBILITY FOR CERTIFICATION. (a) The attorney general, in consultation with the division, shall by rule establish:

(1)  eligibility criteria that an organization must meet and maintain to qualify for a certification;

(2)  procedures for evaluating certification applications; and

(3)  procedures for renewal and revocation of certifications.

(b)  The attorney general may also consult with the emergency management council for purposes of adopting rules under this section.

Sec. 418.404.  APPLICATION FOR CERTIFICATION. An organization may apply for a certification in the form and manner prescribed by the attorney general.

Sec. 418.405.  PUBLIC REGISTRY; SEAL. (a) The attorney general shall maintain and regularly update a public registry of organizations certified under this subchapter on the attorney general's Internet website.

(b)  The attorney general shall prescribe and approve a seal that may be used and displayed by an organization certified under this subchapter.

Sec. 418.406.  CONSIDERATION OF CERTIFICATION STATUS IN CERTAIN APPLICATIONS FOR STATE MONEY. Notwithstanding any other law, 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 shall consider an organization's certification status under this subchapter when evaluating the organization's application for state money under the grant or other program.

SECTION 3.  As soon as practicable after the effective date of this Act, the attorney general, in consultation with the Texas Division of Emergency Management, shall adopt rules to implement Subchapter L, Chapter 418, Government Code, as added by this Act.

SECTION 4.  This Act takes effect on the 91st day after the last day of the legislative session.