

By: Darby, Barry, et al.

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.

1 (3) "Declared disaster" means:

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

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

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

9 Sec. 418.402. VOLUNTARY CERTIFICATION PROGRAM FOR DISASTER
10 RELIEF ORGANIZATIONS. (a) The attorney general, in consultation
11 with the division, shall establish and administer a certification
12 program for organizations that solicit and accept donations to
13 provide disaster relief services during a declared disaster. The
14 purpose of the certification program is to assist the public in
15 identifying reputable organizations to which the public may donate
16 to support disaster relief efforts.

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

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

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

26 (2) procedures for evaluating certification
27 applications; and

1 (3) procedures for renewal and revocation of
2 certifications.

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

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

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

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

16 Sec. 418.406. CONSIDERATION OF CERTIFICATION STATUS IN
17 CERTAIN APPLICATIONS FOR STATE MONEY. Notwithstanding any other
18 law, a state or local governmental entity administering a grant or
19 other program that provides state money to support mitigation,
20 preparedness, response, recovery, or other relief efforts in
21 response to a declared disaster shall consider an organization's
22 certification status under this subchapter when evaluating the
23 organization's application for state money under the grant or other
24 program.

25 SECTION 3. As soon as practicable after the effective date
26 of this Act, the attorney general, in consultation with the Texas
27 Division of Emergency Management, shall adopt rules to implement

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1 Subchapter L, Chapter 418, Government Code, as added by this Act.

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