

## BILL ANALYSIS

Senate Research Center

H.B. 762  
By: Nixon (Ellis)  
Government Organization  
4/15/2005  
Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 762 provides that the solicitation or recommendation of contributions to a 501(c)(3) charity by a state officer or employee are not subject to the gift provisions of the Penal Code, nor are they an illegal campaign contribution or subject to the lobby law. The provision authorizing a state officer or employee to recommend a contribution was included in order to clarify that the act of a state official recommending a charity when asked to do so will not be a violation of the law. H.B. 762 also includes language to ensure that state employees can continue to designate contributions to charities which may be deducted from their paychecks.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 572, Government Code, by adding Section 572.060, as follows:

Sec. 572.060. SOLICITATION OF OR RECOMMENDATIONS REGARDING CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS AND GOVERNMENTAL ENTITIES. (a) Authorizes a state officer or state employee to solicit contributions from any person to certain charitable organizations and governmental entities, and to recommend to any person that the person make a contribution to such organizations or entities.

(b) Sets forth requirements for the form and payment of a contribution under Subsection (a).

(c) Sets forth requirements for the delivery of a contribution solicited or recommended as provided by Subsection (a) that is not a monetary contribution.

(d) Provides that a contribution paid as provided by Subsection (b) or delivered as provided by Subsection (c) is not a political contribution to, or political expenditure on behalf of, the state officer or state employee for purposes of Title 15, Election Code, an expenditure for purposes of Chapter 305, Government Code, or a benefit to the state officer or state employee for purposes of Sections 36.08 and 36.09, Penal Code.

SECTION 2. Effective date: September 1, 2005.