

1 AN ACT  
2 relating to the solicitation by state officers and employees of and  
3 recommendations regarding contributions to charitable  
4 organizations and governmental entities.

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

6 SECTION 1. Subchapter C, Chapter 572, Government Code, is  
7 amended by adding Section 572.060 to read as follows:

8 Sec. 572.060. SOLICITATION OF OR RECOMMENDATIONS REGARDING  
9 CONTRIBUTIONS TO CHARITABLE ORGANIZATIONS AND GOVERNMENTAL  
10 ENTITIES. (a) Unless otherwise prohibited by the Code of Judicial  
11 Conduct, a state officer or state employee may:

12 (1) solicit from any person a contribution to:

13 (A) an organization that:

14 (i) is exempt from income taxation under  
15 Section 501(a), Internal Revenue Code of 1986, by being listed  
16 under Section 501(c)(3) of that code;

17 (ii) does not attempt to influence  
18 legislation as a substantial part of the organization's activities;  
19 and

20 (iii) has not elected under Section 501(h),  
21 Internal Revenue Code of 1986, to have that subsection apply to the  
22 organization; or

23 (B) a governmental entity; or

24 (2) recommend to any person that the person make a

1 contribution to an organization or entity described by Subdivision  
2 (1).

3 (b) A monetary contribution solicited or recommended as  
4 provided by Subsection (a) must:

5 (1) be paid or made directly to the charitable  
6 organization or governmental entity by the person making the  
7 contribution;

8 (2) be in the form of a check, money order, or similar  
9 instrument payable to the charitable organization or governmental  
10 entity; or

11 (3) be in the form of a deduction from a state  
12 employee's salary or wage payment under the state employee  
13 charitable campaign under Subchapter I, Chapter 659.

14 (c) A contribution solicited or recommended as provided by  
15 Subsection (a) that is not a monetary contribution must be  
16 delivered directly to the charitable organization or governmental  
17 entity by the person making the contribution.

18 (d) A contribution paid as provided by Subsection (b) or  
19 delivered as provided by Subsection (c) is not:

20 (1) a political contribution to, or political  
21 expenditure on behalf of, the state officer or state employee for  
22 purposes of Title 15, Election Code;

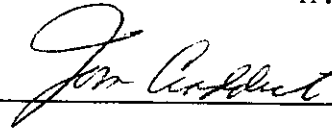
23 (2) an expenditure for purposes of Chapter 305; or

24 (3) a benefit to the state officer or state employee  
25 for purposes of Sections 36.08 and 36.09, Penal Code.

26 SECTION 2. This Act takes effect September 1, 2005.

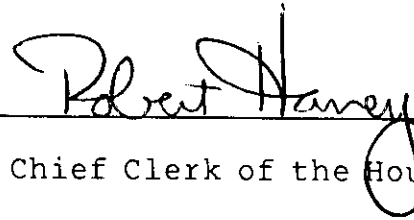


President of the Senate



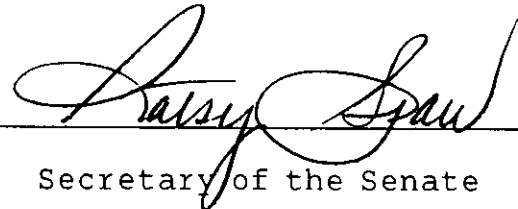
Speaker of the House

I certify that H.B. No. 762 was passed by the House on March 30, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 762 on May 3, 2005, by a non-record vote.



Chief Clerk of the House

I certify that H.B. No. 762 was passed by the Senate, with amendments, on April 29, 2005, by the following vote: Yeas 29, Nays 0.



Secretary of the Senate

APPROVED: 17 MAY 05

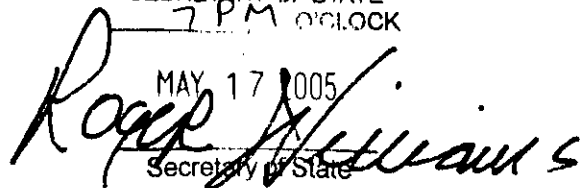
Date



Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7 PM O'CLOCK

MAY 17 2005



Secretary of State