

## **BILL ANALYSIS**

Senate Research Center

S.B. 659  
By: Cain  
State Affairs  
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### **DIGEST**

Currently, prison employees are not allowed to raise money for charity on prison grounds. In the past, prison employees were allowed to conduct such activities, which raised money for worthy causes and are believed to have served as community building programs, especially in smaller cities. This bill would allow voluntary participation in charitable fund-raising activities by state employees serving in correctional facilities.

### **PURPOSE**

As proposed, S.B. 659 authorizes a state agency to permit a charitable organization to conduct a fund-raising activity on state property and authorizes state employees to participate in charitable activities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to a state agency in SECTION 1 (Sections 667.002(b), Government Code), and to the comptroller in SECTION 1 (Sections 667.002(d) and 667.005(b), Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 6B, Government Code, by adding Chapter 667, as follows:

#### **CHAPTER 667. CHARITABLE ACTIVITIES ON STATE PROPERTY**

Sec. 667.001. DEFINITIONS. Defines “charitable organization,” “eligible charitable organization,” “state agency,” “state employee,” and “state property.”

Sec. 667.002. CHARITABLE ACTIVITIES ON STATE PROPERTY. Entitles a state employee to participate in fund-raising activities for the benefit of an eligible charitable organization. Requires a state agency to adopt rules regarding the location and timing of charitable events. Requires a state agency to inform its state employees that participation in charitable events is voluntary. Requires the comptroller to adopt rules establishing a process for hearing complaints of coercive activities conducted on state property.

Sec. 667.003. ELIGIBILITY OF CHARITABLE ORGANIZATIONS. Sets forth guidelines for eligibility to conduct a charitable activity on state property.

Sec. 667.004. FUND-RAISING PRACTICES. Sets forth required practices of an eligible charitable organization.

Sec. 667.005. FUNDS RAISED. Requires all funds collected by state employees for the benefit of a charitable organization to be deposited in the state treasury within 30 days after the date of collection. Requires the comptroller to establish, by rule, procedures for the distribution of funds raised by charitable organizations.

Sec. 667.006. LIMITATION ON USE OF FUNDS. Prohibits an eligible charitable organization from using funds raised under this chapter to conduct litigation or make expenditures that would require the entity to register under Chapter 305.

Sec. 667.007. AUDIT. Authorizes a state agency to request the comptroller or a state auditor to

audit an eligible charitable organization that the agency believes has misapplied funds, and authorizes the attorney general to bring an action to recover misapplied funds.

SECTION 2. Amends Section 94.015, Human Resource Code, by adding Subsection (d), provided that this chapter does not prohibit a state agency from permitting a charitable organization to conduct a fund-raising activity on state property under Chapter 667, Government Code.

SECTION 3. Emergency clause.  
Effective date: upon passage.