

BILL ANALYSIS

Senate Research Center
82R29484 E

C.S.H.B. 2549
By: Crownover (Estes)
Government Organization
5/18/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas State Historical Association (TSHA) is a nonprofit educational organization whose mission is to further the appreciation, understanding, and teaching of Texas's rich and unique history through research, writing, and publication of related historical material. TSHA accomplishes this mission by promoting research and writing on Texas history by and for a variety of audiences, including students, academic scholars, and the general public. TSHA services are provided for free or at minimal cost to users. Public funds make up only a small percentage of TSHA's funding and the remainder of TSHA's resources are provided by individual and foundation support.

With the national economic recession affecting all state organizations, interested parties believe that it is necessary to find alternate sources of revenue.

C.S.H.B. 2549 amends current law relating to the authority of a state employee to authorize a deduction from the employee's salary or wage payment for a charitable contribution to certain entities.

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 Subtitle D, Title 4, Government Code, by adding Chapter 450, as follows:

CHAPTER 450. EDUCATIONAL PROGRAMS TO ADVANCE THE TEACHING OF TEXAS HISTORY

Sec. 450.001. **APPLICABILITY OF CHAPTER.** Defines "charitable historical organization" to mean in this chapter an entity that:

- (1) is organized as a nonprofit organization;
- (2) has its main office at an institution of higher education, as that term is defined under Section 61.003 (Definitions), Education Code; and
- (3) maintains an established educational department that provides:
 - (A) opportunities for students in this state to study and work to preserve the history, heritage, and symbols of this state; and
 - (B) training and resources to assist educators in developing effective strategies to teach students about the heritage, history, and symbols of this state.

Sec. 450.002. **FUNDING.** Provides that, for the purposes of Subchapter I (Charitable Contributions), Chapter 659 (Compensation):

(1) a charitable historical organization is considered an eligible charitable organization entitled to participate in a state employee charitable campaign; and

(2) a state employee is entitled to authorize a deduction for contributions to a charitable historical organization as a charitable contribution under Section 659.132 (Deduction Authorized), and the organization may use the contributions for the purpose of administering and providing educational outreach programs established by the organization.

SECTION 2. Amends Section 659.140 and 659.134, Government Code, as follows:

Sec. 659.140. STATE EMPLOYEE CHARITABLE CAMPAIGN POLICY COMMITTEE. (a) Provides that the state employee charitable campaign policy committee shall consist of 13 members, rather than consists of not more than 10 members. Makes a nonsubstantive change.

(b) Requires the governor, with the advice and consent of the senate, to appoint four members who are state employees at the time of their appointment and three members who are retired state employees receiving benefits under Chapter 814 (Benefits). Requires an appointment to the committee to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee. Requires the state policy committee to elect a chairman biennially from its own membership. Deletes existing text authorizing the governor to appoint not more than four members.

(c) Prohibits a member of the state policy committee from receiving compensation for serving on the committee and provides that a member is not entitled to reimbursement from state funds for expenses incurred in performing functions as a member of the committee. Deletes existing text requiring each member of the state policy committee to be a state employee.

(d) Prohibits a person from being a member of the committee if the person or the person's spouse is employed by or participates in the management or sits on the board of any entity or organization including any federation or fund that receives money through the state employee charitable campaign. Deletes existing text requiring appointments to be made to the state policy committee to ensure that the committee reflects the race, ethnicity, and national origin of the residents of this state.

(e) Requires the state policy committee to:

(1) Makes no changes to this subdivision;

(2) select as the state campaign manager:

(A) Makes no changes to this paragraph;

(B) a charitable organization determined by the state policy committee to have demonstrated the capacity to conduct a state campaign, rather than in the absence of an application by a federated community campaign organization a charitable organization determined by the state policy committee to have demonstrated the capacity to conduct a state campaign; and

(3)-(6) Makes no changes to these subdivisions.

(f) Provides that the state employee charitable campaign policy committee is subject to the open meetings law, Chapter 551 (Open Meetings), Government Code.

(g) Provides that the state employee charitable campaign policy committee is subject to the public information law, Chapter 552 (Public Information), Government Code.

(h) Requires that any contract entered into under Subchapter I, Chapter 659, require the contracting vendor, institution, individual, corporation, or other business or charitable entity to provide all information maintained by the entity related to the expenditure of public funds to the state employee charitable campaign policy committee upon request.

(i) Provides that the state employee charitable campaign policy committee is subject to the Texas Sunset Act. Provides that, unless continued in existence as provided by that chapter, the committee is abolished and Subchapter I, Chapter 659, Government Code, and Sections 814.0095 and 814.0096 expire on September 1, 2013.

Sec. 659.134. DESIGNATION OF AN ELIGIBLE CHARITABLE ORGANIZATION.

(a) Requires, rather than authorizes, a state employee or retired state employee receiving benefits under Chapter 814 who chooses to make a deduction to designate in the authorization an eligible charitable organization to receive the deductions.

Deletes existing Subsection (b) requiring that a state employee's deductions be distributed to each participating federation or fund and eligible local charitable organization in the proportion that the deductions designated for that charitable organization bear to the total of designated deductions in the local state employee charitable campaign if a state employee does not designate an eligible charitable organization.

SECTION 3. Effective date: September 1, 2011.