

BILL ANALYSIS

Senate Research Center

S.B. 145
By: Nixon
State Affairs
1-28-97
Committee Report (Amended)

DIGEST

Currently, many state agencies are authorized to accept gifts and donations from private or public entities. Some statutes authorizing the acceptance of gifts allow a donation to be accepted from a person involved in a contested case hearing before a state agency. Uniform procedures on the acceptance of gifts would establish guidelines and restrictions for all agencies authorized to accept gifts, thus providing consistency within public records. This bill provides a uniform policy for the acceptance of gifts to a state agency and places restrictions on the acceptance of gifts from parties involved in contested case hearings.

PURPOSE

As proposed, S.B. 145 sets forth the policy for the acceptance of gifts by state agencies.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 5B, Government Code, to add Chapter 575, Government Code, as follows:

CHAPTER 575. ACCEPTANCE OF GIFT BY STATE AGENCY

Sec. 575.001. DEFINITIONS. Defines "gift" and "state agency."

Sec. 575.002. ACCEPTANCE OF GIFT BY STATE AGENCY GOVERNING BOARD. Authorizes a state agency that has a governing board to accept a gift only if the agency has the authority to accept the gift and a majority of the board, in an open meeting, approves accepting the gift.

Sec. 575.003. RECORD OF GIFT. Requires a state agency that accepts a gift to record the name of the donor, a description of the gift, and a statement of the purposes of the gift in the minutes of the governing board of the agency and appropriate agency records, if the agency does not have a governing board.

Sec. 575.004. ACCEPTANCE OF GIFT FROM PARTY TO CONTESTED CASE PROHIBITED. Prohibits a state agency from accepting a gift from a party to a contested case before the agency until the 30th day after the date of the decision in the case becomes final under Section 2001.144. Defines "contested case."

SECTION 2. Amends Section 401.031, Government Code, as follows:

Sec. 401.031. New heading: ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS BY THE OFFICE OF THE GOVERNOR. Authorizes the office of the governor to solicit and accept gifts, grants, and donations of money or property on behalf of the state for any lawful public purpose.

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

SUMMARY OF COMMITTEE CHANGES

Amendment 1: Inserts new Section 2 and rennumbers lines and sections accordingly to amend Section 401.031, Government Code, as follows:

Sec. 401.031. New heading: ACCEPTANCE OF GIFTS, GRANTS, AND DONATIONS BY THE OFFICE OF THE GOVERNOR. Authorizes the office of the governor to solicit and accept gifts, grants, and donations of money or property on behalf of the state for any lawful public purpose.

Reason: Adds the office of the governor to the list of agencies that are authorized to accept gifts under this chapter.