

## **BILL ANALYSIS**

Senate Research Center

S.B. 146  
By: Nixon  
State Affairs  
1-20-97  
As Filed

### **DIGEST**

Currently, many state agencies are authorized to accept gifts and donations from private or public entities. Although the statutes authorizing the acceptance of such gifts require the accepting agency to use the gift or donation for public purpose, specific usage is left to the discretion of the individual 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.

### **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, by adding 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 purpose 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.

SECTION 2. Emergency clause.  
Effective date: upon passage.