

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 3113
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State Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A number of nonprofit wildlife associations depend on formally recognized local volunteer chapters, affiliates, or regional units located across Texas, especially in rural areas, to serve their mission of disseminating information about conservation. The activities of these local affiliates are designed to help promote the cause of conservation, at no cost to the state, and to encourage citizens across Texas to become involved in and knowledgeable about the benefits and needs of wildlife conservation. Current law regarding nonprofit organizations that are eligible to conduct raffles stipulates that such organizations are prohibited from participating or intervening in any political campaign in any manner, which prevents many of these nonprofit, primarily volunteer, associations from holding charity raffles to raise funds for their activities.

C.S.H.B. 3113 authorizes a nonprofit wildlife conservation association that participates in political activities and its volunteer local chapters to conduct raffles if the proceeds are not used to influence legislation or participate or intervene in any political campaign or on behalf of any candidate for public office in any manner, including publishing or distributing a statement or making campaign contributions. The bill prohibits a parent organization or its local chapter, affiliate, or unit from conducting more than two raffles apiece per year. The bill provides a means for nonprofit wildlife conservation associations to raise money to support their local groups' activities and efforts to further the cause of wildlife conservation, and to preserve and promote natural resources in Texas.

C.S.H.B. 3113 amends current law relating to the eligibility of certain nonprofit wildlife conservation associations to conduct charitable raffles.

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 Section 2002.003, Occupations Code, by adding Subsection (e), as follows:

(e) Provides that a nonprofit wildlife conservation association and its local chapters, affiliates, wildlife cooperatives, or units are qualified nonprofit organizations under this chapter if the parent association meets the eligibility criteria under this section other than the requirement prescribed by Subsection (a)(3) (relating to the requirement that an organization incorporated or holding a certificate of authority under the Texas Non-Profit Corporation Act and is recognized as a qualified nonprofit organization is prohibited from engaging in certain political activities), (b)(3) (relating to the requirement that local organizations and parent organizations recognized as qualified nonprofit organizations are prohibited from engaging in certain political activities), (b-1)(3) (relating to the requirement that organizations formally recognized as local chapters, affiliates, units, or subordinate lodges of a grand lodge or other institution qualifying as a qualified nonprofit organization are prohibited from engaging in certain political activities), or (c)(3) (relating to the requirement that unincorporated organizations, associations, or societies qualifying as a qualified nonprofit organization are prohibited from engaging in certain political activities), as applicable. Prohibits an association or a local chapter, affiliate, wildlife cooperative, or unit that is eligible under this subsection from using any proceeds

from a raffle conducted under this chapter to attempt to influence legislation or participate or intervene in a political campaign on behalf of a candidate for public office in any manner, including by publishing or distributing a statement or making a campaign contribution. Authorizes a nonprofit wildlife conservation association to conduct two raffles each year and each local chapter, affiliate, wildlife cooperative, or unit to conduct two raffles each year under this chapter. Provides that for purposes of this section, a nonprofit wildlife conservation association includes an association that supports wildlife, fish, or fowl.

SECTION 2. Effective date: upon passage or September 1, 2009.