1-8   A BILL TO BE ENTITLED
1-9   AN ACT
1-10   relating to the application of the Charitable Immunity and
1-11   Liability Act of 1987 to private primary or secondary schools,
1-12   alumni associations, and on-campus organizations.
1-13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-14   SECTION 1. Subdivision (1), Section 84.003, Civil Practice
1-15   and Remedies Code, is amended to read as follows:
1-16   (1) "Charitable organization" means:
1-17   (A) any organization exempt from federal income
1-18   tax under Section 501(a) of the Internal Revenue Code of 1986 by
1-19   being listed as an exempt organization in Section 501(c)(3) or
1-20   501(c)(4) of the code, if it is a nonprofit corporation,
1-21   foundation, community chest, or fund organized and operated
1-22   exclusively for charitable, religious, prevention of cruelty to
1-23   children or animals, youth sports and youth recreational,
1-24   neighborhood crime prevention or patrol, fire protection or
1-25   prevention, emergency medical or hazardous material response
1-26   services, or educational purposes, including [excluding] private
1-27   primary or secondary schools accredited by a member association of
1-28   the Texas Private School Accreditation Commission but excluding
1-29   fraternities,   sororities,   and   secret   societies,   [alumni
1-30   associations and related on-campus organizations,] or is organized
1-31   and operated exclusively for the promotion of social welfare by
1-32   being primarily engaged in promoting the common good and general
1-33   welfare of the people in a community;
1-34   (B) any bona fide charitable, religious,
1-35   prevention of cruelty to children or animals, youth sports and
1-36   youth recreational, neighborhood crime prevention or patrol, or
1-37   educational organization, excluding fraternities, sororities, and
1-38   secret societies [alumni associations and related on-campus
1-39   organizations], or other organization organized and operated
1-40   exclusively for the promotion of social welfare by being primarily
1-41   engaged in promoting the common good and general welfare of the
1-42   people in a community, and that:
1-43   (i) is organized and operated exclusively
1-44   for one or more of the above purposes;
1-45   (ii) does not engage in activities which in
1-46   themselves are not in furtherance of the purpose or purposes;
1-47   (iii) does not directly or indirectly
1-48   participate or intervene in any political campaign on behalf of or
1-49   in opposition to any candidate for public office;
1-50   (iv) dedicates its assets to achieving the
1-51   stated purpose or purposes of the organization;
1-52   (v) does not allow any part of its net
1-53   assets on dissolution of the organization to inure to the benefit of
1-54   any group, shareholder, or individual; and
1-55   (vi) normally receives more than one-third
1-56   of its support in any year from private or public gifts, grants,
1-57   contributions, or membership fees;
1-58   (C) a homeowners association as defined by
1-59   Section 528(c) of the Internal Revenue Code of 1986 or which is
1-60   exempt from federal income tax under Section 501(a) of the Internal
1-61   Revenue Code of 1986 by being listed as an exempt organization in
1-62   Section 501(c)(4) of the code; or
1-63   (D) a volunteer center, as that term is defined

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2-1   by Section 411.126, Government Code.

2-2   SECTION 2. This Act takes effect September 1, 2003, and

2-3   applies only to a cause of action that accrues on or after that

2-4   date. A cause of action that accrued before the effective date of

2-5   this Act is governed by the law applicable to the action immediately

2-6   before the effective date of this Act, and that law is continued in

2-7   effect for that purpose.

2-8   * * * * *