

BILL ANALYSIS

Senate Research Center

H.B. 3276
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Jurisprudence
5/11/1999
Engrossed

DIGEST

In 1997, Congress passed federal legislation granting antitrust immunity and a right of interlocutory appeal for matters dealing with charitable gift annuities and charitable trusts. Courts have found related Texas law to be inconsistent with the federal legislation. H.B. 3276 would establish conditions regarding the application of the Texas Non-Profit Corporation Act to charitable trustees.

PURPOSE

As proposed, H.B. 3276 establishes conditions regarding the application of the Texas Non-Profit Corporation Act to charitable trustees.

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 Article 1396-2.31, V.T.C.S., (Texas Non-Profit Corporation Act), to require any corporation described in this article to have immunity from suit as to any claim alleging that the corporation's role as trustee of a trust described in this article constitutes engaging in the trust business in a manner requiring a state charter. Authorizes an interlocutory appeal to be taken if a court denies or otherwise fails to grant a motion for summary judgment that is based on an assertion of the immunity provided in this subsection.

SECTION 2. Makes application of Article 1396-2.31, V.T.C.S. as amended by this Act retroactive.

SECTION 3. Makes application of this Act retroactive.

SECTION 4. Emergency clause.
Effective date: upon passage.