

1-1 By: Lucio III, et al. (Senate Sponsor - Johnson) H.B. No. 654  
 1-2 (In the Senate - Received from the House April 6, 2021;  
 1-3 April 8, 2021, read first time and referred to Committee on  
 1-4 Jurisprudence; April 23, 2021, reported favorably by the following  
 1-5 vote: Yeas 3, Nays 2; April 23, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Huffman	X			
1-8 Hinojosa	X			
1-9 Creighton		X		
1-10 Hughes		X		
1-11 Johnson	X			
1-12				

1-13 A BILL TO BE ENTITLED  
 1-14 AN ACT

1-15 relating to the rule against perpetuities.  
 1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-17 SECTION 1. Section 112.036, Property Code, is amended to  
 1-18 read as follows:  
 1-19 Sec. 112.036. RULE AGAINST PERPETUITIES. (a) The rule  
 1-20 against perpetuities applies to an interest in a trust [~~trusts~~]  
 1-21 other than a charitable trust [~~trusts~~].  
 1-22 (b) For purposes of this section, the effective date of a  
 1-23 trust is the date the trust becomes irrevocable.  
 1-24 (c) An interest in a trust must vest, if at all:  
 1-25 (1) not later than 300 years after the effective date  
 1-26 of the trust, if the effective date of the trust is on or after  
 1-27 September 1, 2021; or  
 1-28 (2) except as provided by Subsection (d),  
 1-29 [Accordingly, an interest is not good unless it must vest, if at  
 1-30 all,] not later than 21 years after some life in being at the time of  
 1-31 the creation of the interest, plus a period of gestation, if the  
 1-32 effective date of the trust is before September 1, 2021.  
 1-33 (d) An interest in a trust that has an effective date before  
 1-34 September 1, 2021, may vest as described by Subsection (c)(1) if the  
 1-35 trust instrument provides that an interest in the trust vests under  
 1-36 the provisions of this section applicable to trusts on the date that  
 1-37 the interest vests.  
 1-38 (e) Any interest in a trust may [~~, however,~~] be reformed or  
 1-39 construed to the extent and as provided by Section 5.043.  
 1-40 SECTION 2. This Act takes effect September 1, 2021.

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