

1-1 By: Taylor (Senate Sponsor - Hinojosa) H.B. No. 934
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on
1-4 Jurisprudence; May 20, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 934 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to notice requirements in certain proceedings relating to
1-11 charitable trusts.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 123.003(a) and (b), Property Code, are
1-14 amended to read as follows:

1-15 (a) Any party initiating a proceeding involving a
1-16 charitable trust shall give notice of the proceeding to the
1-17 attorney general by sending to the attorney general, by registered
1-18 or certified mail, a true copy of the petition or other instrument
1-19 initiating the proceeding involving a charitable trust within 30
1-20 days of the filing of such petition or other instrument, but no less
1-21 than 25 [~~10~~] days prior to a hearing in such a proceeding. This
1-22 subsection does not apply to a proceeding that:

1-23 (1) is initiated by an application that exclusively
1-24 seeks the admission of a will to probate, regardless of whether the
1-25 application seeks the appointment of a personal representative, if
1-26 the application is uncontested; or

1-27 (2) is not a proceeding under Section 83, Texas
1-28 Probate Code.

1-29 (b) Notice shall be given to the attorney general of any
1-30 pleading which adds new causes of action or additional parties to a
1-31 proceeding involving a charitable trust in which the attorney
1-32 general has previously waived participation or in which the
1-33 attorney general has otherwise failed to intervene. Notice shall
1-34 be given by sending to the attorney general by registered or
1-35 certified mail a true copy of the pleading within 30 days of the
1-36 filing of the pleading, but no less than 25 [~~10~~] days prior to a
1-37 hearing in the proceeding.

1-38 SECTION 2. The change in law made by this Act applies only
1-39 to a petition, instrument, or pleading that is filed in a proceeding
1-40 involving a charitable trust on or after the effective date of this
1-41 Act. A petition, instrument, or pleading that is filed in a
1-42 proceeding involving a charitable trust before the effective date
1-43 of this Act is governed by the law in effect at the time the
1-44 petition, instrument, or pleading is filed, and the former law is
1-45 continued in effect for that purpose.

1-46 SECTION 3. This Act takes effect September 1, 2005.

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