

By: Hartnett

H.B. No. 334

A BILL TO BE ENTITLED

AN ACT

relating to district court jurisdiction over suits concerning trusts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 115.001(a), Property Code, is amended to read as follows:

(a) Except as provided by Subsection (d) of this section, a district court has original and exclusive jurisdiction over all proceedings concerning trusts ~~[, including proceedings to:~~

~~[(1) construe a trust instrument,~~

~~[(2) determine the law applicable to a trust instrument,~~

~~[(3) appoint or remove a trustee,~~

~~[(4) determine the powers, responsibilities, duties, and liability of a trustee,~~

~~[(5) ascertain beneficiaries,~~

~~[(6) make determinations of fact affecting the administration, distribution, or duration of a trust,~~

~~[(7) determine a question arising in the administration or distribution of a trust,~~

~~[(8) relieve a trustee from any or all of the duties, limitations, and restrictions otherwise existing under the terms of the trust instrument or of this subtitle,~~

~~[(9) require an accounting by a trustee, review~~

1 ~~trustee fees, and settle interim or final accounts, and~~

2 ~~[(10) surcharge a trustee].~~

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2007.