

BILL ANALYSIS

S.B. 917
By: Harris
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the definition of "charitable trust" exists solely in the Property Code, and therefore can cause confusion over applicability within the Probate Code because of the concurrent jurisdiction in statutory courts and district courts involving charitable trusts, in which the attorney general is the proper party. The attorney general may be warranted to intervene on behalf of a charitable interest in a Probate Court proceeding, but may not recover fees in the manner that persons designated as a legatee, devisee, or beneficiary under a will may recover fees. By conforming the definition of "charitable trust" in the Probate Code to the definition under the Property Code, confusion will be alleviated over the attorney general's jurisdiction and the ability to collect in either a statutory probate court or a district court.

As proposed, S.B. 917 adds the definition of "charitable trust" to the Texas Probate Code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 5(e), Texas Probate Code, to include the definition of "charitable trust."

SECTION 2. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Upon passage or September 1, 2009.