

AN ACT

relating to guardianships and other matters relating to incapacitated persons.

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

SECTION 1. Section 665, Texas Probate Code, is amended by amending Subsections (a), (b), (c), and (d) and adding Subsections (a-1) and (d-1) to read as follows:

(a) The court may authorize compensation for a guardian or a temporary guardian serving as a guardian of the person alone from available funds of the ward's estate or other funds available for that purpose. The court may ~~shall~~ set the compensation in an amount not exceeding five percent of the ward's gross income.

(a-1) In determining whether to authorize compensation for a guardian under this section, the court shall consider the ward's monthly income from all sources and whether the ward receives medical assistance under the state Medicaid program.

(b) The guardian or temporary guardian of an estate is entitled to reasonable compensation on application to the court at the time the court approves any annual accounting or final accounting filed by the guardian or temporary guardian under this chapter. A fee of five percent of the gross income of the ward's estate and five percent of all money paid out of the estate, subject to the award of an additional amount under Subsection (c) of this section following a review under Subsection (c)(1) of this section,

1 is considered reasonable under this subsection if the court finds  
2 that the guardian or temporary guardian has taken care of and  
3 managed the estate in compliance with the standards of this  
4 chapter.

5 (c) On application of an interested person or on its own  
6 motion, the court may:

7 (1) review and modify the amount of compensation  
8 authorized under Subsection (a) or [Subsection] (b) of this section  
9 if the court finds that the amount is unreasonably low when  
10 considering the services rendered as guardian or temporary  
11 guardian; and

12 (2) authorize compensation for the guardian or  
13 temporary guardian in an estimated amount the court finds  
14 reasonable that is to be paid on a quarterly basis before the  
15 guardian or temporary guardian files an annual or final accounting  
16 if the court finds that delaying the payment of compensation until  
17 the guardian or temporary guardian files an accounting would create  
18 a hardship for the guardian or temporary guardian.

19 (d) A finding of unreasonably low compensation may not be  
20 established under Subsection (c) of this section solely because the  
21 amount of compensation is less than the usual and customary charges  
22 of the person or entity serving as guardian or temporary guardian.  
23 A court that authorizes payment of estimated quarterly compensation  
24 under Subsection (c) of this section may later reduce or eliminate  
25 the guardian's or temporary guardian's compensation if, on review  
26 of an annual or final accounting or otherwise, the court finds that  
27 the guardian or temporary guardian:

1           (1) received compensation in excess of the amount  
2 permitted under this section;

3           (2) has not adequately performed the duties required  
4 of a guardian or temporary guardian under this chapter; or

5           (3) has been removed for cause.

6           (d-1) If a court reduces or eliminates a guardian's or  
7 temporary guardian's compensation as provided by Subsection (d) of  
8 this section, the guardian or temporary guardian and the surety on  
9 the guardian's or temporary guardian's bond are liable to the  
10 guardianship estate for any excess compensation received.

11           SECTION 2. The heading to Section 665B, Texas Probate Code,  
12 is amended to read as follows:

13           Sec. 665B. COMPENSATION OF ATTORNEY REPRESENTING APPLICANT  
14 [~~CERTAIN ATTORNEYS~~].

15           SECTION 3. Section 665B(a), Texas Probate Code, is amended  
16 to read as follows:

17           (a) A court that creates a guardianship or creates a  
18 management trust under Section 867 of this code for a ward under  
19 this chapter, on request of a person who filed an application to be  
20 appointed guardian of the proposed ward, an application [~~or~~] for  
21 the appointment of another suitable person as guardian of the  
22 proposed ward, or an application for the creation of the management  
23 trust, may authorize compensation of an attorney who represents the  
24 person who filed the application at the application hearing,  
25 regardless of whether the person is appointed the ward's guardian  
26 or whether a management trust is created, from:

27           (1) available funds of the ward's estate or management

1 trust, if created; or

2 (2) the county treasury if:

3 (A) the ward's estate or, if created, management  
4 trust, is insufficient to pay for the services provided by the  
5 attorney; and

6 (B) funds in the county treasury are budgeted for  
7 that purpose.

8 SECTION 4. Subpart H, Part 2, Chapter XIII, Texas Probate  
9 Code, is amended by adding Section 665D to read as follows:

10 Sec. 665D. COMPENSATION AND PAYMENT OF ATTORNEY'S FEES OF  
11 ATTORNEY SERVING AS GUARDIAN. (a) Notwithstanding any other  
12 provision of this subpart, an attorney who serves as guardian and  
13 who also provides legal services in connection with the  
14 guardianship is not entitled to compensation for the guardianship  
15 services or payment of attorney's fees for the legal services from  
16 the ward's estate or other funds available for that purpose unless  
17 the attorney files with the court a detailed description of the  
18 services performed that identifies which of the services provided  
19 were guardianship services and which were legal services.

20 (b) An attorney described by Subsection (a) of this section  
21 is not entitled to payment of attorney's fees for guardianship  
22 services that are not legal services.

23 (c) The court shall set the compensation of an attorney  
24 described by Subsection (a) of this section for the performance of  
25 guardianship services in accordance with Section 665 of this code.  
26 The court shall set attorney's fees for an attorney described by  
27 Subsection (a) of this section for legal services provided in

1 accordance with Sections 665A, 665B, and 666 of this code.

2 SECTION 5. Section 677A, Texas Probate Code, is amended by  
3 amending Subsection (g) and adding Subsections (i) and (j) to read  
4 as follows:

5 (g) A declaration and affidavit may be in any form adequate  
6 to clearly indicate the declarant's intention to designate a  
7 guardian for the declarant's child. The following form may, but  
8 need not, be used:

9 DECLARATION OF APPOINTMENT OF GUARDIAN FOR MY CHILDREN IN THE EVENT  
10 OF MY DEATH OR INCAPACITY

11 I, \_\_\_\_\_, make this Declaration to appoint as guardian  
12 for my child or children, listed as follows, in the event of my  
13 death or incapacity:

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_

17 (add blanks as appropriate)

18 I designate \_\_\_\_\_ to serve as guardian of the person of  
19 my (child or children), \_\_\_\_\_ as first alternate guardian of  
20 the person of my (child or children), \_\_\_\_\_ as second  
21 alternate guardian of the person of my (child or children), and  
22 \_\_\_\_\_ as third alternate guardian of the person of my (child or  
23 children).

24 I direct that the guardian of the person of my (child or  
25 children) serve (with or without) bond.

26 (If applicable) I designate \_\_\_\_\_ to serve as guardian  
27 of the estate of my (child or children), \_\_\_\_\_ as first

1 alternate guardian of the estate of my (child or children),  
2 \_\_\_\_\_ as second alternate guardian of the estate of my (child  
3 or children), and \_\_\_\_\_ as third alternate guardian of the  
4 estate of my (child or children).

5 If any guardian or alternate guardian dies, does not qualify,  
6 or resigns, the next named alternate guardian becomes guardian of  
7 my (child or children).

8 Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

9  
10 \_\_\_\_\_  
11 Declarant

12 \_\_\_\_\_  
13 Witness

\_\_\_\_\_   
Witness

14 SELF-PROVING AFFIDAVIT

15 Before me, the undersigned authority, on this date personally  
16 appeared \_\_\_\_\_, the declarant, and \_\_\_\_\_ and \_\_\_\_\_  
17 as witnesses, and all being duly sworn, the declarant said that the  
18 above instrument was his or her Declaration of Appointment of  
19 Guardian for the Declarant's Children in the Event of Declarant's  
20 Death or Incapacity and that the declarant had made and executed it  
21 for the purposes expressed in the declaration. The witnesses  
22 declared to me that they are each 14 years of age or older, that they  
23 saw the declarant sign the declaration, that they signed the  
24 declaration as witnesses, and that the declarant appeared to them  
25 to be of sound mind.

26  
27 \_\_\_\_\_  
28 Declarant

29  
30 \_\_\_\_\_  
31 Affiant

\_\_\_\_\_   
Affiant

32 Subscribed and sworn to before me by \_\_\_\_\_, the above

1 named declarant, and \_\_\_\_\_ (names of affiants)  
2 affiants, on this \_\_\_ day of \_\_\_\_\_, 20\_\_.

3 \_\_\_\_\_  
4 Notary Public in and for the  
5 State of Texas  
6 My Commission expires:  
7 \_\_\_\_\_

8 (i) As an alternative to the self-proving affidavit  
9 authorized by Subsection (g) of this section, a declaration of  
10 appointment of a guardian for the declarant's children in the event  
11 of the declarant's death or incapacity may be simultaneously  
12 executed, attested, and made self-proved by including the following  
13 in substantially the same form and with substantially the same  
14 contents:

15 I, \_\_\_\_\_, as declarant, after being duly  
16 sworn, declare to the undersigned witnesses and to the undersigned  
17 authority that this instrument is my Declaration of Appointment of  
18 Guardian for My Children in the Event of My Death or Incapacity, and  
19 that I have made and executed it for the purposes expressed in the  
20 declaration. I now sign this declaration in the presence of the  
21 attesting witnesses and the undersigned authority on this \_\_\_ day  
22 of \_\_\_\_\_, 20\_\_.

23 \_\_\_\_\_  
24 Declarant

25 The undersigned, \_\_\_\_\_ and  
26 \_\_\_\_\_, each being 14 years of age or older, after  
27 being duly sworn, declare to the declarant and to the undersigned  
28 authority that the declarant declared to us that this instrument is

1 the declarant's Declaration of Appointment of Guardian for the  
2 Declarant's Children in the Event of Declarant's Death or  
3 Incapacity and that the declarant executed it for the purposes  
4 expressed in the declaration. The declarant then signed this  
5 declaration and we believe the declarant to be of sound mind. We now  
6 sign our names as attesting witnesses on this \_\_\_\_\_ day of  
7 \_\_\_\_\_, 20\_\_\_\_\_.

8 \_\_\_\_\_  
9 Witness

10 \_\_\_\_\_  
11 Witness

12 Subscribed and sworn to before me by the above named  
13 declarant, and affiants, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

14 \_\_\_\_\_  
15 Notary Public in and for the State of Texas

16 My Commission Expires: \_\_\_\_\_

17 (j) A declaration that is executed as provided by Subsection  
18 (i) of this section is considered self-proved to the same extent a  
19 declaration executed with a self-proving affidavit under  
20 Subsection (g) of this section is considered self-proved.

21 SECTION 6. Section 679, Texas Probate Code, is amended by  
22 amending Subsection (i) and adding Subsections (k) and (l) to read  
23 as follows:

24 (i) A declaration and affidavit may be in any form adequate  
25 to clearly indicate the declarant's intention to designate a  
26 guardian. The following form may, but need not, be used:

27 DECLARATION OF GUARDIAN IN THE EVENT OF LATER INCAPACITY OR NEED OF

GUARDIAN

I, \_\_\_\_\_, make this Declaration of Guardian, to operate if the need for a guardian for me later arises.

1. I designate \_\_\_\_\_ to serve as guardian of my person, \_\_\_\_\_ as first alternate guardian of my person, \_\_\_\_\_ as second alternate guardian of my person, and \_\_\_\_\_ as third alternate guardian of my person.

2. I designate \_\_\_\_\_ to serve as guardian of my estate, \_\_\_\_\_ as first alternate guardian of my estate, \_\_\_\_\_ as second alternate guardian of my estate, and \_\_\_\_\_ as third alternate guardian of my estate.

3. If any guardian or alternate guardian dies, does not qualify, or resigns, the next named alternate guardian becomes my guardian.

4. I expressly disqualify the following persons from serving as guardian of my person: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

5. I expressly disqualify the following persons from serving as guardian of my estate: \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Declarant

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

SELF-PROVING AFFIDAVIT

Before me, the undersigned authority, on this date personally appeared \_\_\_\_\_, the declarant, and \_\_\_\_\_ and \_\_\_\_\_ as witnesses, and all being duly sworn, the declarant said that the above instrument was his or her Declaration of



1 and the undersigned authority on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

2 \_\_\_\_\_

3 Declarant

4 The \_\_\_\_\_ undersigned, \_\_\_\_\_ and

5 \_\_\_\_\_, each being 14 years of age or older, after

6 being duly sworn, declare to the declarant and to the undersigned

7 authority that the declarant declared to us that this instrument is

8 the declarant's Declaration of Guardian in the Event of Later

9 Incapacity or Need of Guardian and that the declarant executed it

10 for the purposes expressed in the declaration. The declarant then

11 signed this declaration and we believe the declarant to be of sound

12 mind. We now sign our names as attesting witnesses on this \_\_\_\_ day

13 of \_\_\_\_\_, 20\_\_.

14 \_\_\_\_\_

15 Witness

16 \_\_\_\_\_

17 Witness

18 Subscribed and sworn to before me by the above named

19 declarant, and affiants, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

20 \_\_\_\_\_

21 Notary Public in and for the State of Texas

22 My Commission Expires: \_\_\_\_\_

23 (1) A declaration that is executed as provided by Subsection

24 (k) of this section is considered self-proved to the same extent a

25 declaration executed with a self-proving affidavit under

26 Subsection (i) of this section is considered self-proved.

1 SECTION 7. Section 767(b), Texas Probate Code, is amended  
2 to read as follows:

3 (b) Notwithstanding Subsection (a)(4) of this section, a  
4 guardian of the person of a ward has the power to personally  
5 transport the ward or to direct the ward's transport by emergency  
6 medical services or other means to an inpatient mental health  
7 facility for a preliminary examination in accordance with  
8 Subchapters A and C, Chapter 573, Health and Safety Code.

9 SECTION 8. Sections 867(b-3), (c), (d), and (e), Texas  
10 Probate Code, are amended to read as follows:

11 (b-3) The court shall conduct a hearing to determine  
12 incapacity under Subsection (b-1) of this section using the same  
13 procedures and evidentiary standards as required in a hearing for  
14 the appointment of a guardian for a proposed ward. The court shall  
15 appoint an attorney ad litem and, if necessary, may appoint a  
16 guardian ad litem, to represent the interests of the alleged  
17 incapacitated person in the proceeding.

18 (c) Subject to Subsection (d) of this section, [If the value  
19 of the trust's principal is \$50,000 or less, the court may appoint a  
20 person other than a financial institution to serve as trustee of the  
21 trust only] if the court finds that it is [the appointment to be] in  
22 the ward's or incapacitated person's best interests, the court may  
23 appoint a person or entity that meets the requirements of  
24 Subsection (e) of this section to serve as trustee of the trust  
25 instead of appointing a financial institution to serve in that  
26 capacity.

27 (d) If the value of the trust's principal is more than

1 \$150,000 [~~\$50,000~~], the court may appoint a person or entity other  
2 than a financial institution in accordance with Subsection (c) of  
3 this section to serve as trustee of the trust only if the court, in  
4 addition to the finding required by that subsection, finds that the  
5 applicant for the creation of the trust, after the exercise of due  
6 diligence, has been unable to find a [+

7           ~~[(1) no]~~ financial institution in the geographic area  
8 ~~[is]~~ willing to serve as trustee~~[, and~~

9           ~~[(2) the appointment is in the ward's or incapacitated~~  
10 ~~person's best interests]~~.

11           (e) The following are eligible for appointment as trustee  
12 under Subsection (c) or (d) of this section:

13                   (1) an individual, including an individual who is  
14 certified as a private professional guardian;

15                   (2) a nonprofit corporation qualified to serve as a  
16 guardian; and

17                   (3) a guardianship program [~~Before making a finding~~  
18 ~~that there is no financial institution willing to serve as trustee~~  
19 ~~under Subsection (d)(1) of this section, the court must check any~~  
20 ~~list of corporate fiduciaries located in this state that is~~  
21 ~~maintained at the office of the presiding judge of the statutory~~  
22 ~~probate courts or at the principal office of the Texas Bankers~~  
23 ~~Association]~~.

24           SECTION 9. Section 868(a), Texas Probate Code, is amended  
25 to read as follows:

26           (a) Except as provided by Subsection (d) of this section, a  
27 trust created under Section 867 of this code must provide that:

1 (1) the ward or incapacitated person is the sole  
2 beneficiary of the trust;

3 (2) the trustee may disburse an amount of the trust's  
4 principal or income as the trustee determines is necessary to  
5 expend for the health, education, support, or maintenance of the  
6 ward or incapacitated person;

7 (3) the income of the trust that the trustee does not  
8 disburse under Subdivision (2) of this subsection must be added to  
9 the principal of the trust;

10 (4) if the trustee is a corporate fiduciary, the  
11 trustee serves without giving a bond; and

12 (5) the trustee, [~~on annual application to the court~~  
13 ~~and~~] subject to the court's approval, is entitled to receive  
14 reasonable compensation for services that the trustee provided to  
15 the ward or incapacitated person as the ward's or incapacitated  
16 person's trustee that is:

17 (A) to be paid from the trust's income,  
18 principal, or both; and

19 (B) determined, paid, reduced, and eliminated in  
20 the same manner as compensation of a guardian of an estate under  
21 Section 665 of this code.

22 SECTION 10. Subpart N, Part 4, Chapter XIII, Texas Probate  
23 Code, is amended by adding Section 868C to read as follows:

24 Sec. 868C. TRANSFER OF MANAGEMENT TRUST PROPERTY TO POOLED  
25 TRUST. (a) If the court determines that it is in the ward's or  
26 incapacitated person's best interests, the court may order the  
27 transfer of all property in a management trust created under

1 Section 867 of this code to a subaccount of a pooled trust  
2 established in accordance with Subpart I, Part 5, of this chapter.  
3 The transfer of property from the management trust to the  
4 subaccount of the pooled trust shall be treated as a continuation of  
5 the management trust and may not be treated as the establishment of  
6 a new trust for purposes of 42 U.S.C. Section 1396p(d)(4)(A) or (C)  
7 or otherwise for purposes of the ward's or incapacitated person's  
8 eligibility for medical assistance under Chapter 32, Human  
9 Resources Code.

10 (b) The court may not allow termination of the management  
11 trust created under Section 867 of this code from which property is  
12 transferred under this section until all of the property in the  
13 management trust has been transferred to the subaccount of the  
14 pooled trust.

15 SECTION 11. Section 870(b), Texas Probate Code, is amended  
16 to read as follows:

17 (b) If the ward or incapacitated person is not a minor, the  
18 trust terminates on the date the court determines that continuing  
19 the trust is no longer in the ward's or incapacitated person's best  
20 interests, subject to Section 868C(b) of this code, or on the death  
21 of the ward or incapacitated person.

22 SECTION 12. Section 875(k), Texas Probate Code, is amended  
23 to read as follows:

24 (k) If an application for a temporary guardianship, for the  
25 conversion of a temporary guardianship to a permanent guardianship,  
26 or for a permanent guardianship is challenged or contested, the  
27 court, on the court's own motion or on the motion of any interested

1 party, may appoint a [~~new~~] temporary guardian or grant a temporary  
2 restraining order under Rule 680, Texas Rules of Civil Procedure,  
3 or both, without issuing additional citation if the court finds  
4 that the appointment or the issuance of the order is necessary to  
5 protect the proposed ward or the proposed ward's estate.

6 SECTION 13. Part 5, Chapter XIII, Texas Probate Code, is  
7 amended by adding Subpart I to read as follows:

8 SUBPART I. ESTABLISHMENT OF POOLED TRUST SUBACCOUNTS; TRANSFERS

9 Sec. 910. DEFINITIONS. In this subpart:

10 (1) "Beneficiary" means a minor, a disabled person, or  
11 any other incapacitated person for whom a subaccount is  
12 established.

13 (2) "Medical assistance" means benefits and services  
14 under the medical assistance program administered under Chapter 32,  
15 Human Resources Code.

16 (3) "Pooled trust" means a trust that meets the  
17 requirements of 42 U.S.C. Section 1396p(d)(4)(C) for purposes of  
18 exempting the trust from the applicability of 42 U.S.C. Section  
19 1396p(d) in determining the eligibility of a person who is disabled  
20 for medical assistance.

21 (4) "Subaccount" means an account in a pooled trust  
22 established solely for the benefit of a beneficiary.

23 Sec. 911. APPLICATION. A person interested in the welfare  
24 of a minor, a disabled person, or any other incapacitated person may  
25 apply to the court for the establishment of a subaccount for the  
26 benefit of the minor, disabled person, or other incapacitated  
27 person as the beneficiary.

1       Sec. 912. APPOINTMENT OF ATTORNEY AD LITEM. The court shall  
2 appoint an attorney ad litem for a person who is a minor or has a  
3 mental disability and who is the subject of an application under  
4 Section 911 of this code. The attorney ad litem is entitled to a  
5 reasonable fee and reimbursement of expenses to be paid from the  
6 person's property.

7       Sec. 913. TRANSFER. If the court finds that it is in the  
8 best interests of a person who is the subject of an application  
9 under Section 911 of this code, the court may order:

10           (1) the establishment of a subaccount of which the  
11 person is the beneficiary; and

12           (2) the transfer to the subaccount of any of the  
13 person's property on hand or accruing to the person.

14       Sec. 914. TERMS OF SUBACCOUNT. Unless the court orders  
15 otherwise, the terms governing the subaccount must provide that:

16           (1) the subaccount terminates on the earliest of the  
17 date of:

18                   (A) the beneficiary's 18th birthday, if the  
19 beneficiary is not disabled on that date and was a minor at the time  
20 the subaccount was established;

21                   (B) the beneficiary's death; or

22                   (C) an order of the court terminating the  
23 subaccount; and

24           (2) on termination, any property remaining in the  
25 beneficiary's subaccount after making any required payments to  
26 satisfy the amounts of medical assistance reimbursement claims for  
27 medical assistance provided to the beneficiary under this state's

1 medical assistance program and other states' medical assistance  
2 programs shall be distributed to:

3 (A) the beneficiary, if on the date of  
4 termination the beneficiary is living and is not incapacitated;

5 (B) the beneficiary's guardian, if on the date of  
6 termination the beneficiary is living and is incapacitated; or

7 (C) the personal representative of the  
8 beneficiary's estate, if the beneficiary is deceased on the date of  
9 termination.

10 Sec. 915. JURISDICTION EXCLUSIVE. Notwithstanding any  
11 other law, the court that orders the establishment of a subaccount  
12 for a beneficiary has exclusive jurisdiction of a subsequent  
13 proceeding or action that relates to both the beneficiary and the  
14 subaccount, and the proceeding or action may only be brought in that  
15 court.

16 Sec. 916. FEES AND ACCOUNTING. (a) The manager or trustee  
17 of a pooled trust may:

18 (1) assess fees against a subaccount of that pooled  
19 trust established under this subpart in accordance with the  
20 manager's or trustee's standard fee structure; and

21 (2) pay those fees from the subaccount.

22 (b) If required by the court, the manager or trustee of the  
23 pooled trust shall file a copy of the annual report of account with  
24 the court clerk.

25 SECTION 14. (a) Except as otherwise provided by this  
26 section, the changes in law made by this Act apply to:

27 (1) a guardianship created before, on, or after the

1 effective date of this Act; and

2 (2) an application for a guardianship pending on, or  
3 filed on or after, the effective date of this Act.

4 (b) Sections 665, 665B, and 868, Texas Probate Code, as  
5 amended by this Act, and Section 665D, Texas Probate Code, as added  
6 by this Act, apply to the payment, reduction, or elimination of  
7 compensation for services performed on or after the effective date  
8 of this Act. Payment, reduction, or elimination of compensation for  
9 services performed before the effective date of this Act is  
10 governed by the law in effect on the date the services were  
11 performed, and the former law is continued in effect for that  
12 purpose.

13 (c) Sections 867 and 870, Texas Probate Code, as amended by  
14 this Act, and Section 868C, Texas Probate Code, as added by this  
15 Act, apply to an application for the creation, modification, or  
16 termination of a management trust under Subpart N, Part 4, Chapter  
17 XIII, Texas Probate Code, that is filed on or after the effective  
18 date of this Act. An application for the creation, modification, or  
19 termination of a management trust filed before the effective date  
20 of this Act is governed by the law in effect on the date the  
21 application was filed, and the former law is continued in effect for  
22 that purpose.

23 (d) Subpart I, Part 5, Chapter XIII, Texas Probate Code, as  
24 added by this Act, applies to an application for the establishment  
25 of a subaccount of a pooled trust that is filed on or after the  
26 effective date of this Act.

27 SECTION 15. This Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3080 was passed by the House on April 28, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3080 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor