

1-1 By: Geren (Senate Sponsor - Wentworth) H.B. No. 3635
1-2 (In the Senate - Received from the House May 6, 2009;
1-3 May 8, 2009, read first time and referred to Committee on
1-4 Jurisprudence; May 22, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3635 By: Wentworth

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

1-10 relating to administration of a trust with cotrustees.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Sections 113.085(c) and (d), Property Code, are
1-13 amended to read as follows:
1-14 (c) A cotrustee shall participate in the performance of a
1-15 trustee's function unless the cotrustee:
1-16 (1) is unavailable to perform the function because of
1-17 absence, illness, suspension under this code or other law,
1-18 disqualification, if any, under this code, disqualification under
1-19 other law, or other temporary incapacity; or
1-20 (2) has delegated the performance of the function to
1-21 another trustee in accordance with the terms of the trust or
1-22 applicable law, has communicated the delegation to all other
1-23 cotrustees, and has filed the delegation in the records of the
1-24 trust.
1-25 (d) If a cotrustee is unavailable to participate in the
1-26 performance of a trustee's function for a reason described by
1-27 Subsection (c)(1) and prompt action is necessary to achieve the
1-28 efficient administration or purposes of the trust or to avoid
1-29 injury to the trust property or a beneficiary, the remaining
1-30 cotrustee or a majority of the remaining cotrustees may act for the
1-31 trust.
1-32 SECTION 2. Section 113.085, Property Code, as amended by
1-33 this Act, applies only to a trust existing on or after September 1,
1-34 2009, regardless of the date the trust was created.
1-35 SECTION 3. This Act takes effect September 1, 2009.

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