

SENATE AMENDMENTS

2nd Printing

By: Geren

H.B. No. 3635

A BILL TO BE ENTITLED

1 AN ACT

2 relating to administration of a trust with cotrustees.

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

4 SECTION 1. Section 113.085, Property Code, is amended by
5 amending Subsections (c) and (d) and adding Subsection (d-1) to
6 read as follows:

7 (c) A cotrustee shall participate in the performance of a
8 trustee's function unless the cotrustee:

9 (1) is unavailable to perform the function because of
10 absence, illness, suspension under this code, disqualification
11 under other law, or other temporary incapacity; or

12 (2) has delegated the performance of the function to
13 another trustee in accordance with the terms of the trust or
14 applicable law, has communicated the delegation to all other
15 cotrustees, and has filed the delegation in the records of the
16 trust.

17 (d) If a cotrustee is unavailable to participate in the
18 performance of a trustee's function for a reason described by
19 Subsection (c)(1) and prompt action is necessary to achieve the
20 efficient administration or purposes of the trust or to avoid
21 injury to the trust property or a beneficiary, the remaining
22 cotrustee or a majority of the remaining cotrustees may act for the
23 trust.

24 (d-1) If a cotrustee is unavailable to participate in the

1 performance of the cotrustee's function because the cotrustee has
2 been suspended under this code, the remaining cotrustee or
3 cotrustees may act for the trust as provided by the order of the
4 court that suspended the cotrustee or another order of that court.

5 SECTION 2. Section 113.085, Property Code, as amended by
6 this Act, applies only to a trust existing on or after September 1,
7 2009, regardless of the date the trust was created.

8 SECTION 3. This Act takes effect September 1, 2009.

ADOPTED

MAY 27 2009

Atty Gen
Secretary of the Senate

By: _____ .B. No. _____

Substitute the following for ____B. No. ____:

By: Wentworth C.S.H.B. No. 3635

A BILL TO BE ENTITLED

1 AN ACT

2 relating to administration of a trust with cotrustees.

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

4 SECTION 1. Sections 113.085(c) and (d), Property Code, are
5 amended to read as follows:

6 (c) A cotrustee shall participate in the performance of a
7 trustee's function unless the cotrustee:

8 (1) is unavailable to perform the function because of
9 absence, illness, suspension under this code or other law,
10 disqualification, if any, under this code, disqualification under
11 other law, or other temporary incapacity; or

12 (2) has delegated the performance of the function to
13 another trustee in accordance with the terms of the trust or
14 applicable law, has communicated the delegation to all other
15 cotrustees, and has filed the delegation in the records of the
16 trust.

17 (d) If a cotrustee is unavailable to participate in the
18 performance of a trustee's function for a reason described by
19 Subsection (c)(1) and prompt action is necessary to achieve the
20 efficient administration or purposes of the trust or to avoid
21 injury to the trust property or a beneficiary, the remaining
22 cotrustee or a majority of the remaining cotrustees may act for the
23 trust.

24 SECTION 2. Section 113.085, Property Code, as amended by

1 this Act, applies only to a trust existing on or after September 1,
2 2009, regardless of the date the trust was created.

3 SECTION 3. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3635 by Geren (Relating to administration of a trust with cotrustees.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 450 Department of Savings and Mortgage Lending, 451 Department of Banking

LBB Staff: JOB, SZ, MN, ACa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3635 by Geren (Relating to administration of a trust with cotrustees.), **Committee Report
2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 450 Department of Savings and Mortgage Lending, 451 Department of Banking

LBB Staff: JOB, MN, ACa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3635 by Geren (Relating to administration of a trust with cotrustees.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 450 Department of Savings and Mortgage Lending, 451 Department of Banking

LBB Staff: JOB, MN, ACa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3635 by Geren (Relating to administration of a trust involving cotrustees.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 450 Department of Savings and Mortgage Lending, 451 Department of Banking

LBB Staff: JOB, MN, ACa

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3635 by Geren (Relating to administration of a trust involving cotrustees.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 450 Department of Savings and Mortgage Lending, 451 Department of Banking

LBB Staff: JOB, MN, ACa

