By: Darby   H.B. No. 810

A BILL TO BE ENTITLED

1   AN ACT

2   relating to jurisdiction in certain proceedings brought by the

3   attorney general with respect to charitable trusts.

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

5   SECTION 1. Section 123.005, Property Code, is amended to

6   read as follows:

7   Sec. 123.005. BREACH   OF   FIDUCIARY   DUTY: VENUE;

8   JURISDICTION. (a) Venue in a proceeding brought by the attorney

9   general alleging breach of a fiduciary duty by a charitable entity

10 or a fiduciary or managerial agent of a charitable trust shall be a

11 court of competent jurisdiction in Travis County or in the county

12 where the defendant resides or has its principal office. To the

13 extent of a conflict between this subsection and any provision of

14 the Texas Probate Code providing for venue of a proceeding brought

15 with respect to a charitable trust created by a will that has been

16 admitted to probate, this subsection controls.

17   (b) A statutory probate court of Travis County has

18 concurrent jurisdiction with any other court on which jurisdiction

19 is conferred by Section 4A, Texas Probate Code, in a proceeding

20 brought by the attorney general alleging breach of a fiduciary duty

21 with respect to a charitable trust created by a will that has been

22 admitted to probate.

23   SECTION 2. The change in law made by this Act applies only

24 to a proceeding commenced on or after the effective date of this

1 Act. A proceeding commenced before the effective date of this Act

2 is governed by the law in effect immediately before the effective

3 date of this Act, and that law is continued in effect for that

4 purpose.

5   SECTION 3. This Act takes effect immediately if it receives

6 a vote of two-thirds of all the members elected to each house, as

7 provided by Section 39, Article III, Texas Constitution. If this

8 Act does not receive the vote necessary for immediate effect, this

9 Act takes effect September 1, 2011.