

1-1 By: Duncan, Carona, Watson S.B. No. 1240  
 1-2 (In the Senate - Filed March 6, 2013; March 13, 2013, read  
 1-3 first time and referred to Committee on Jurisprudence;  
 1-4 April 17, 2013, reported favorably by the following vote: Yeas 5,  
 1-5 Nays 0; April 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 West	X			
1-8 Rodriguez	X			
1-9 Campbell	X			
1-10 Carona			X	
1-11 Garcia	X			
1-12 Hancock	X			
1-13 Paxton			X	

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the partition of mineral interests of a charitable  
 1-18 trust.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subtitle C, Title 9, Property Code, is amended by  
 1-21 adding Chapter 124 to read as follows:

1-22 CHAPTER 124. PARTITION OF MINERAL INTERESTS OF CHARITABLE TRUST

1-23 Sec. 124.001. DEFINITIONS. In this chapter:

1-24 (1) "Charitable entity" means a corporation, trust,  
 1-25 community chest, fund, foundation, or other entity organized for  
 1-26 scientific, educational, philanthropic, or environmental purposes,  
 1-27 social welfare, the arts and humanities, or another civic or public  
 1-28 purpose described by Section 501(c)(3), Internal Revenue Code of  
 1-29 1986.

1-30 (2) "Charitable trust" means a charitable entity, a  
 1-31 trust the stated purpose of which is to benefit a charitable entity,  
 1-32 or an inter vivos or testamentary gift to a charitable entity.

1-33 (3) "Mineral interest" means an interest in oil, gas,  
 1-34 or other mineral substance in place or that otherwise constitutes  
 1-35 real property without regard to the depth at which such mineral  
 1-36 substance is found.

1-37 Sec. 124.002. COMPULSORY PARTITION PROHIBITED. A partition  
 1-38 of any mineral interest owned or claimed by a charitable trust may  
 1-39 not be compelled by a joint owner or claimant.

1-40 SECTION 2. The change in law made by this Act applies only  
 1-41 to an action to compel a partition of a mineral interest commenced  
 1-42 on or after the effective date of this Act.

1-43 SECTION 3. This Act takes effect immediately if it receives  
 1-44 a vote of two-thirds of all the members elected to each house, as  
 1-45 provided by Section 39, Article III, Texas Constitution. If this  
 1-46 Act does not receive the vote necessary for immediate effect, this  
 1-47 Act takes effect September 1, 2013.

1-48 \* \* \* \* \*