

Amend HB 3190 (house committee printing) as follows:

(1) On page 1, between lines 14 and 15, insert the following appropriately lettered subsection:

() This section does not apply to a charitable trust as defined by Section 123.001.

(2) Redesignate subsections in added Section 114.0031, Property Code, and any cross-references to those subsections, appropriately.

(3) On page 3, strike line 17.

(4) On page 3, lines 19-20, strike "Section 114.0031, Property Code, as added by this Act, applies" and substitute "the changes in law made by this Act apply".

(5) On page 3, lines 23-24, strike "or by an advisor described by Section 114.0031, Property Code, as added by this Act" and substitute "or other person with respect to the trust".

(6) Strike page 3, line 25, through page 4, line 3, and substitute "(b) An action taken".

(7) Insert the following appropriately numbered SECTION to read as follows:

SECTION _____. Section 114.003, Property Code, is amended to read as follows:

Sec. 114.003. POWERS TO DIRECT: CHARITABLE TRUSTS. (a) In this section, "charitable trust" has the meaning assigned by Section 123.001.

(a-1) The terms of a charitable trust may give a trustee or other person a power to direct the modification or termination of the trust.

(b) If the terms of a charitable trust give a person the power to direct certain actions of the trustee, the trustee shall act in accordance with the person's direction unless:

(1) the direction is manifestly contrary to the terms of the trust; or

(2) the trustee knows the direction would constitute a serious breach of a fiduciary duty that the person holding the power to direct owes to the beneficiaries of the trust.

(c) A person, other than a beneficiary, who holds a power to direct with respect to a charitable trust is presumptively a

fiduciary required to act in good faith with regard to the purposes of the trust and the interests of the beneficiaries. The holder of a power to direct with respect to a charitable trust is liable for any loss that results from a breach of the person's fiduciary duty.

(8) Renumber SECTIONS of the bill appropriately.