

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

H.B. No. 3635

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.

David Newkirk

President of the Senate

Jim Strawn

Speaker of the House

I certify that H.B. No. 3635 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3635 on May 29, 2009, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3635 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Law

Secretary of the Senate

APPROVED:

19 Jun '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Hunter III