AN ACT
relating to the administration of charitable trusts.

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

SECTION 1. Subchapter A, Chapter 113, Property Code, is
amended by adding Section 113.029 to read as follows:

Sec. 113.029. RELOCATION OF ADMINISTRATION OF CHARITABLE
TRUST. (a) In this section:

(1) "Charitable entity" has the meaning assigned by
Section 123.001.

(2) "Charitable trust" means a trust:

(A) the stated purpose of which is to benefit
only one or more charitable entities; and

(B) that qualifies as a charitable entity.

(3) "Trust administration" means the grant-making
function of the trust.

(b) Except as provided by this section or specifically
authorized by the terms of a trust, the trustee of a charitable
trust may not change the location in which the trust administration
takes place from a location in this state to a location outside this
state.

(c) If the trustee decides to change the location in which
the trust is administered from a location in this state to a
location outside this state, the trustee shall:

(1) if the settlor is living and not incapacitated:
(A) consult the settlor concerning the selection
of a new location for the administration of the trust; and
(B) submit the selection to the attorney general;
or
(2) if the settlor is not living or is incapacitated:
(A) propose a new location; and
(B) submit the proposal to the attorney general.
(d) The trustee may file an action in the district court or
statutory probate court in which the trust was created seeking a
court order authorizing the trustee to change the location in which
the trust is administered to a location outside this state. The
court may exercise its equitable powers to effectuate the original
purpose of the trust.
(e) Except as provided by Subsection (b), the location in
which the administration of the trust takes place may not be changed
to a location outside this state unless:
(1) the charitable purposes of the trust would not be
impaired if the trust administration is moved; and
(2) a district court or statutory probate court
authorizes the relocation.
(f) The attorney general may bring an action to enforce the
provisions of this section. If a trustee of a charitable trust
fails to comply with the provisions of this section, the district
court or statutory probate court in the county in which the trust
administration was originally located may remove the trustee and
appoint a new trustee. Costs of a proceeding to remove a trustee,
including reasonable attorney's fees, may be assessed against the
removed trustee. This provision is in addition to and does not
supersede the provisions of Chapter 123.

(g) This section does not affect a trustee's authority to
sell real estate owned by a charitable trust.

SECTION 2. Except as otherwise provided by a will, the terms
of a trust, or this Act, the changes in law made by this Act apply
to:

(1) a trust existing or created on or after September
1, 2009;

(2) the estate of a decedent who dies before September
1, 2009, if the probate or administration of the estate is pending
on or after September 1, 2009; and

(3) the estate of a decedent who dies on or after
September 1, 2009.

SECTION 3. This Act takes effect September 1, 2009.
S.B. No. 666

David B. Swinney  
President of the Senate

I hereby certify that S.B. No. 666 passed the Senate on May 15, 2009, by the following vote: Yeas 21, Nays 9; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 22, Nays 9.

Phyllis Graham  
Secretary of the Senate

I hereby certify that S.B. No. 666 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 143, Nays 5, one present not voting.

Robert Hare  
Chief Clerk of the House

Approved:

19 Jun '09  
Date

Rick Perry  
Governor

Filed in the Office of the Secretary of State

Jun 19 2009  
Colby Shuter