

1 AN ACT

2 relating to attorney general participation in proceedings  
3 involving 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 [~~(a)~~] Venue in a proceeding brought by the attorney general  
9 alleging breach of a fiduciary duty by a charitable entity or a  
10 fiduciary or managerial agent of a charitable trust shall be a court  
11 of competent jurisdiction in Travis County or in the county where  
12 the defendant resides or has its principal office.

13 [~~(b) The attorney general, if successful in the proceeding,~~  
14 ~~is entitled to recover from a fiduciary or managerial agent of a~~  
15 ~~charitable trust actual costs incurred in bringing the suit and may~~  
16 ~~recover reasonable attorney's fees.]~~

17 SECTION 2. Chapter 123, Property Code, is amended by adding  
18 Section 123.006 to read as follows:

19 Sec. 123.006. ATTORNEY'S FEES. (a) In a proceeding  
20 subject to Section 123.005, the attorney general, if successful in  
21 the proceeding, is entitled to recover from the charitable entity  
22 or fiduciary or managerial agent of the charitable trust actual  
23 costs incurred in bringing the suit and may recover reasonable  
24 attorney's fees.

05  
Bill

1           (b) In a proceeding in which the attorney general intervenes  
2 under this chapter, other than a proceeding subject to Section  
3 123.005, a court may award the attorney general court costs and  
4 reasonable and necessary attorney's fees as may seem equitable and  
5 just.

6           SECTION 3. The change in law made by this Act applies only  
7 to a proceeding commenced on or after the effective date of this  
8 Act. A proceeding commenced before the effective date of this Act  
9 is governed by the law in effect immediately before that date, and  
10 that law is continued in effect for that purpose.

11           SECTION 4. This Act takes effect September 1, 2009.

Grand Newkirk  
President of the Senate

John Strawn  
Speaker of the House

I hereby certify that S.B. No. 918 passed the Senate on April 16, 2009, by the following vote: Yeas 31, Nays 0.

Patricia Spaw  
Secretary of the Senate

I hereby certify that S.B. No. 918 passed the House on May 12, 2009, by the following vote: Yeas 149, Nays 0, one present not voting.

Robert Haman  
Chief Clerk of the House

Approved:

23 MAY '09  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5:22 O'CLOCK  
MAY 23 2009  
Hope Adkins  
Secretary of State