

AN ACT

relating to notice requirements in certain proceedings relating to charitable trusts.

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

SECTION 1. Sections 123.003(a) and (b), Property Code, are amended to read as follows:

(a) Any party initiating a proceeding involving a charitable trust shall give notice of the proceeding to the attorney general by sending to the attorney general, by registered or certified mail, a true copy of the petition or other instrument initiating the proceeding involving a charitable trust within 30 days of the filing of such petition or other instrument, but no less than 25 [40] days prior to a hearing in such a proceeding. This subsection does not apply to a proceeding that:

(1) is initiated by an application that exclusively seeks the admission of a will to probate, regardless of whether the application seeks the appointment of a personal representative, if the application is uncontested; or

(2) is not a proceeding under Section 83, Texas Probate Code.

(b) Notice shall be given to the attorney general of any pleading which adds new causes of action or additional parties to a proceeding involving a charitable trust in which the attorney general has previously waived participation or in which the

1 attorney general has otherwise failed to intervene. Notice shall
2 be given by sending to the attorney general by registered or
3 certified mail a true copy of the pleading within 30 days of the
4 filing of the pleading, but no less than 25 [~~10~~] days prior to a
5 hearing in the proceeding.

6 SECTION 2. The change in law made by this Act applies only
7 to a petition, instrument, or pleading that is filed in a proceeding
8 involving a charitable trust on or after the effective date of this
9 Act. A petition, instrument, or pleading that is filed in a
10 proceeding involving a charitable trust before the effective date
11 of this Act is governed by the law in effect at the time the
12 petition, instrument, or pleading is filed, and the former law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 934 was passed by the House on May 9, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 934 on May 27, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 934 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Spaw
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM O'CLOCK

ROGER WILLIAMS
Secretary of State