

CHAPTER 937

H.B. No. 2486

AN ACT

relating to receivership for local religious congregations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 126, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 126. LOCAL RELIGIOUS CONGREGATIONS [CHURCHES]

SUBCHAPTER A. RECEIVERSHIP FOR LOCAL RELIGIOUS CONGREGATION

[DEFUNCT CHURCH]

Sec. 126.001. DEFINITION. In this subchapter, "religious congregation" [~~"church"~~ means a local congregation of believers in Christ, but] does not include the religion or a denomination of the religion [~~or communion~~] as a whole.

Sec. 126.002. APPOINTMENT OF RECEIVER. (a) The judge of a district court or another court of jurisdiction shall on application appoint a receiver for any religious congregation [~~church~~] that:

(1) formerly maintained regular forms of work and worship [~~, such as Bible school, communion, and preaching,~~] in a given community at regular intervals; and

(2) has ceased to function as a religious congregation [~~church~~] in those or similar capacities for at least one year.

(b) The judge shall hear and determine the application in term or in vacation.

(c) Before appointing a receiver, the judge shall apply to the secretary of state for a certified copy of the record of [~~church~~] trustees required by this chapter.

Sec. 126.003. QUALIFICATIONS. (a) *A person appointed receiver for the religious congregation need not be a member of an active religious congregation of like faith. If an organization is appointed receiver, the organization must be a recognized organization of like faith.* [~~To be appointed receiver for the church, a person must be:~~

~~(1) a member of an active church of like faith and order; or~~

~~(2) a recognized missionary or ecclesiastical body of like faith and order, denomination, or communion.]~~

(b) If the *organization* [~~denomination or communion~~] of like faith [~~and order~~] has a state [~~missionary~~] society or an organization similarly formed and named and the society or organization is authorized to act as receiver or trustee for the *organization* [~~denomination or communion~~], the court *may* [~~shall~~] appoint the society or organization to serve as receiver.

Sec. 126.004. POWERS AND DUTIES. (a) The receiver shall take charge of all property belonging to the *religious congregation* [~~church~~] and administer that property under the direction of the court for the best interests of the *religious congregation* [~~church~~].

(b) If necessary to preserve the property, the receiver may sell it under order of the court.

(c) The court shall order the public or private sale of property belonging to a *religious congregation* [~~church~~] that may not be revived or reorganized within a reasonable time. The proceeds of the sale shall be delivered to the receiver, who shall use them for a *religious congregation* [~~church, denomination, communion, or organization~~] of like faith [~~and order~~].

[Sections 126.005 to 126.010 reserved for expansion]

SUBCHAPTER B. TRUSTEES

Sec. 126.011. RECORD. (a) On receipt of \$2.50, the secretary of state shall record the names of all trustees appointed by any state organization of a *religious congregation* [~~church communion~~] in this state.

(b) The appointment must be duly authenticated by an officer authorized to acknowledge deeds in this state.

(c) The secretary of state shall keep the record in a well-bound book in the secretary of state's office.

Sec. 126.012. CERTIFIED COPY TO COURT. (a) The secretary of state shall furnish a certified copy of the appointments to any court in this state on application by the judge or court clerk.

(b) If the certified copy is used in a proceeding, \$1.50 shall be taxed as costs to be collected and paid as other costs.

Sec. 126.013. CHANGE IN TRUSTEES. This chapter does not affect a *religious congregation's* [~~communion's~~] right to change, appoint, or elect its trustees.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 8, 1987, by a non-record vote. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.