

BILL ANALYSIS

Senate Research Center

H.B. 778
By: Thompson (Wentworth)
Jurisprudence
4/15/1999
Engrossed

DIGEST

During the 75th Legislature, Section 5A(b), Texas Probate Code, was amended in an attempt to clarify the transfer powers granted to statutory probate courts and to end litigations over the legislature's intent in this section. However, the phrase "for the purposes of this section" in the clarification amendment produced some confusion in the courts. H.B. 778 would remove the phrase in an attempt to clarify Section 5A(b), Texas Probate Code, and provide instructions as to whether or not the suits, actions, and applications are appertaining to or incident to an estate.

PURPOSE

As proposed, H.B. 778 amends jurisdiction of a statutory probate court in certain matters relating to decedents' estates.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5A(b) and (e), Texas Probate Code, to specify that Subsections (c)(2)-(c)(4) and (d), apply whether or not the matter is appertaining to or incident to an estate. Deletes the provision "for the purposes of this section" in regards to the authority of a statutory probate court to hear certain matters. Makes a nonsubstantive change.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.