

## **BILL ANALYSIS**

Senate Research Center

S.B. 1479  
By: Cain  
Jurisprudence  
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As Filed

### **DIGEST**

Currently, an independent executor must obtain ancillary letters testamentary from a Texas probate court to file a wrongful death or survival action. Probate courts routinely grant ancillary letters testamentary to out-of-state executors and administrators, and, if in Texas, this requirement is perceived as an unnecessary formality. S.B. 1479 sets forth circumstances which allow a foreign personal representative to bring and prosecute wrongful death and survival actions in certain probate matters without applying for ancillary letters testamentary.

### **PURPOSE**

As proposed, S.B. 1479 sets forth circumstances which allow a foreign personal representative to bring and prosecute a certain action without applying for ancillary letters testamentary.

### **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 Chapter 71A, Civil Practices and Remedies Code, by adding Section 71.012, as follows:

Sec. 71.012. QUALIFICATION OF FOREIGN PERSONAL REPRESENTATIVE. Provides that a certain foreign personal representative of the estate is not required to apply for certain ancillary letters testamentary, regarding the probate of a foreign will, in order to bring and prosecute an action under this subchapter.

SECTION 2. Amends Chapter 71B, Civil Practices and Remedies Code, by adding Section 71.022, as follows:

Sec. 71.022. QUALIFICATION OF FOREIGN PERSONAL REPRESENTATIVE. Makes conforming changes.

SECTION 3. Emergency clause.  
Effective date: upon passage.