BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties suggest that the cost of some probate cases can be an unreasonable burden on some counties. H.B. 1744 provides for the payment of certain costs associated with certain assignments of a statutory probate court judge.

H.B. 1744 amends current law relating to the payment of certain costs associated with certain assignments of a statutory probate court judge.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 352, Estates Code, by adding Section 352.054, as follows:

> Sec. 352.054. REIMBURSEMENT FOR CERTAIN COSTS FOR ASSIGNED JUDGE. Authorizes a court, on the court's own motion or on the motion of the party who filed the motion for assignment, if a party to a probate proceeding files a motion for the assignment of a statutory probate court judge to hear a contested matter in the proceeding under Section 32.003 (Jurisdiction of Contested Probate Proceeding in County Court With No Statutory Probate Court or Statutory County Court) and the motion is granted, to order that a county be reimbursed out of the estate for any amounts the county paid as compensation and expenses under Sections 25.0022(o) and (p), Government Code.

SECTION 2. Amends Section 25.0022, Government Code, by amending Subsections (m), (o), and (p) and adding Subsection (o-1), as follows:

> (m) Requires the presiding judge to certify certain information to the county judge in which the assigned judge served, including, if applicable, a determination of the amounts to be apportioned to a party or between two or more parties to a probate proceeding as prescribed under Subsection (o-1), together with the contact information of the party or parties.

> (o) Requires the county in which the assigned judge served to:

>> (1) creates this subdivision from existing text and makes no further changes to this subdivision:

>>> (A) redesignates existing Subdivision (1) as Paragraph (A) and makes no further changes to this paragraph;

>>> (B) redesignates existing Subdivision (2) as Paragraph (B) and makes nonsubstantive changes; and

(2) if applicable, seek a reimbursement from one or more parties to a probate proceeding of the amounts apportioned to a party or between the parties as prescribed under Subsection (o-1).

(o-1) Authorizes the assigned statutory probate court judge, in accordance with section 352.054, Estates Code, if a party to a probate proceeding files a motion for the assignment of a statutory probate court judge to hear a contested matter in the proceeding under Section 32.003, Estates Code, and the motion is granted, to order that the county be reimbursed as an expense from the estate for any amounts the county paid as compensation and expenses under Subsections (o) and (p). Provides that if the statutory probate court judge does not order the reimbursement of the county from the estate under this subsection:

(1) subject to Subdivision (2), the party who requested the assignment is required to reimburse the county for the amounts paid by the county as compensation and expenses under Subsections (o) and (p); and

(2) if more than one party to a proceeding filed the motion for the assignment of the statutory probate court judge, the statutory probate court judge is required to prescribe the amounts or manner by which the judge's compensation and expenses are to equitably apportioned between those parties for purposes of reimbursement under this section and provide the amounts or manner of apportionment to the presiding judge.

(p) Provides that this subsection is subject to Subsection (o-1).

SECTION 3. Provides that Section 25.0022, Government Code, as amended by this Act, applies only to a motion for the assignment of a statutory probate court judge under Section 32.003, Estates Code, that is filed on or after the effective date of this Act. Provides that a motion filed before the effective date of this Act is governed by the law in effect on the date the motion was filed, and the former law is continued in effect for that purpose.

SECTION 4. Effective date: September 1, 2017.