

BILL ANALYSIS

Senate Research Center
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S.B. 1216
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Jurisprudence
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The legislature created statutory probate courts to provide a specialized court for the efficient administration of estates. While the legislature has granted the judge of a statutory probate court the authority to consolidate affairs of an estate, there are instances in which a suit may be pending in another court, such as a wrongful death or survival action, which forces the judge of the statutory probate court to delay settling the estate until the proceeding in the other court is complete.

In other instances, a decedent's estate may be the defendant in a county other than where the estate is pending because of Texas venue provisions. The other creditors of the estate must file their claims in the probate court and subject themselves to the priority system of the claims payment system for estates. A claimant's priority position can be seriously compromised by the result of the case in the other jurisdiction. This is unfair to those claimants and interferes with the efficient administration of estates.

As proposed, S.B. 1216 authorizes a judge of a statutory probate court to transfer and consolidate certain actions relating to an estate in the statutory probate court for the efficient administration of an estate, even if venue for the action is proper or mandatory in the county of the court from which the action is to be transferred.

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 Section 5B, Texas Probate Code, by adding Subsection (c), to authorize a judge of a statutory probate court, notwithstanding certain other provisions, to transfer certain causes of action relating to an estate for consolidation from a court to the statutory probate court even if venue for the action is proper or mandatory in the county of the court from which the action is to be transferred.

SECTION 2. Amends Section 608, Texas Probate Code, to authorize a judge of a statutory probate court, notwithstanding certain other provisions, to transfer certain causes of action relating to a guardianship estate for consolidation from a court to the statutory probate court even if venue for the action is proper or mandatory in the county of the court from which the action is to be transferred. Creates a subsection from existing text.

SECTION 3. Makes application of this Act prospective to all actions commenced on or after the effective date of this Act and to all actions pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after the effective date.

SECTION 4. Effective date: September 1, 2005.