

1-1 By: Wentworth S.B. No. 349  
1-2 (In the Senate - Filed February 3, 2005; February 15, 2005,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 29, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; April 29, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 349 By: Wentworth

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the jurisdiction of a court with respect to an action  
1-11 involving a testamentary trust.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 5, Texas Probate Code, is amended by  
1-14 adding Subsection (e-1) to read as follows:

1-15 (e-1) In those counties in which there is a statutory  
1-16 probate court, all actions involving a testamentary trust shall be  
1-17 filed and heard in the statutory probate court regardless of  
1-18 whether the matter is appertaining or incident to an estate. In  
1-19 those counties in which there is no statutory probate court, the  
1-20 district court has jurisdiction over all actions involving a  
1-21 testamentary trust except in those actions in which a statutory  
1-22 probate judge is assigned to hold court in a court exercising  
1-23 probate jurisdiction as provided by Section 25.0022, Government  
1-24 Code.

1-25 SECTION 2. Subsection (e-1), Section 5, Texas Probate Code,  
1-26 as added by this Act, applies only to an action that is filed on or  
1-27 after the effective date of this Act. An action that is filed  
1-28 before the effective date of this Act is governed by the law in  
1-29 effect on the date the action was filed, and the former law is  
1-30 continued in effect for that purpose.

1-31 SECTION 3. This Act takes effect September 1, 2005.

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