

## **BILL ANALYSIS**

C.S.H.B. 334  
By: Hartnett  
Judiciary  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law expresses the original and exclusive jurisdiction of district courts over trust cases by reference to a list of types of proceedings. The purpose of the bill is to make clear that original and exclusive jurisdiction of district courts over trusts is all inclusive except for specific statutory exceptions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill amends the Property Code statute granting exclusive and original jurisdiction over trust matters by inserting the words "all proceedings by or against a trustee" prior to existing language conferring such jurisdiction over all proceedings concerning trusts. The bill also makes clear that the list of types of proceedings contained in the statute is not meant to be exclusive. The bill also amends the section of the statute containing exceptions to exclusive and original jurisdiction to add jurisdiction granted to justice and small claims courts.

### **EFFECTIVE DATE**

Immediately on receipt of required vote, otherwise September 1, 2007

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute contains an amendment to an additional subsection not contained in the original bill which would change a statement regarding the exclusive jurisdiction of a district court to except jurisdiction conferred to justice and small claims courts. The substitute would also leave in place the existing list of types of proceedings for which a district court has original and exclusive jurisdiction.