

BILL ANALYSIS

H.B. 1710
By: Naishtat
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law refers to the concept of a qualified community administrator in the context of a surviving spouse. The purpose of this bill is to remove this concept and clarify several sections of the Probate Code.

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 several provisions of the Probate Code to eliminate references to the surviving spouse as administrator of the community estate and the qualification of a community administrator. Such powers may be exercised by the surviving spouse until the personal representative of an estate is qualified. The personal representative is thereafter entitled to administer the joint community property and the sole management and control property of the decedent.

The bill repeals Sections 151(e), 161,162,163,164,165,166,167,169,170,171,172,173,174, and 175 of the Probate Code. These provisions relate to community administration.

EFFECTIVE DATE

September 1, 2007.