

## **BILL ANALYSIS**

C.S.H.B. 2479  
By: Hartnett  
Judiciary  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Lawyers in the probate bar occasionally discover circumstances and situations in the practice of the law that require a statutory remedy. The purpose of this bill is to adopt several of such legislative adjustments.

### **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**

Section 1 of the bill would amend Section 149B(a) of the Probate Code to change the trigger date for the beginning of a time period from the date of entry of the order creating an independent executor to the date the letters testamentary or of administration are issued to the independent executor.

Sections 2 and 3 of the bill change the heading to Part 5, Chapter VII, Texas Probate Code and amend the chapter by adding two new sections providing for the liability of a personal representative to a beneficiary for losses to and lost profits of an estate, and profits of the personal representative arising out of a breach of duty by the representative, and specifying remedies for such breach.

Section 4 pertains to the prospective application of the act.

### **EFFECTIVE DATE**

September 1, 2007.

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

The substitute deletes Section 1 of the original bill pertaining to heir finder contracts.