86R10397 MTB-F

By:  King of Parker H.B. No. 2928

A BILL TO BE ENTITLED

AN ACT

relating to jurisdiction of contested probate proceedings in counties without a statutory probate court or statutory county court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Sections 32.003(b) and (c), Estates Code, are amended to read as follows:

(b)  If more than one [~~a~~] party to a probate proceeding files a motion under Subsection (a), [~~for the assignment of a statutory probate court judge to hear a contested matter in the proceeding before~~] the judge of the county court [~~transfers the contested matter to a district court under this section, the county judge~~] shall grant the motion that was filed first [~~for the assignment of a statutory probate court judge and may not transfer the matter to the district court~~] unless the party that was the first to file withdraws the motion.

(c)  A party to a probate proceeding may, concurrently with the party's initial filing in the proceeding, file an anticipatory [~~a~~] motion for the transfer of all contested matters in the proceeding to the district [~~assignment of a statutory probate~~] court [~~judge~~] under this section [~~before a matter in the proceeding becomes contested~~], and the motion is given effect as a motion for the transfer of all contested matters to the district [~~assignment of a statutory probate~~] court [~~judge~~] under Subsection (a) if any [~~the~~] matter in the proceeding later becomes contested, unless the party withdraws the motion.

SECTION 2.  Sections 32.003(b) and (c), Estates Code, as amended by this Act, apply only to a probate proceeding commenced on or after the effective date of this Act. A proceeding commenced before the effective date of this Act is governed by the law in effect on the date the proceeding was commenced, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2019.