

Amend CSSB 1373 (house committee printing) by striking page 13, line 5, through page 14, line 8, and substituting the following:

SECTION 19. Section 304.003, Estates Code, is amended to read as follows:

Sec. 304.003. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR ADMINISTRATOR. (a) Except as provided by Subsection (b), a ~~[A]~~ person is not qualified to serve as an executor or administrator if the person is:

(1) incapacitated;

(2) a felon convicted under the laws of the United States or of any state of the United States unless, in accordance with law, the person has been pardoned or has had the person's civil rights restored;

(3) a nonresident of this state who:

(A) is a natural person or corporation; and

(B) has not:

(i) appointed a resident agent to accept service of process in all actions or proceedings with respect to the estate; or

(ii) had that appointment filed with the court;

(4) a corporation not authorized to act as a fiduciary in this state; or

(5) a person whom the court finds unsuitable.

(b) A person described by Subsection (a)(2) is not disqualified from serving as an executor of a decedent's estate under Subsection (a)(2) if:

(1) the person is named as executor in the decedent's will;

(2) the person is otherwise qualified to serve as an executor; and

(3) the court approves the person serving as an executor.