

BILL ANALYSIS

H.B. 251
By: Murr
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, counties with small to medium populations and tax bases are at financial risk if a statutory probate judge is assigned to a case within the county because the county cannot be reimbursed for the statutory probate judge's expenses including travel, meals, and lodging. Such a case occurred in Kimble County a few years ago in a contested probate case over an issue of an alleged oral gift of land. The case was on the docket for a number of years and was appealed twice. Because of the wording of current law, the county could not be reimbursed for the statutory probate judge's expenses. H.B. 251 would address this issue by requiring a statutory probate judge to assess allowable costs to the estate or the party that requested the judge's assignment and to order reimbursement of the county.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 251 amends the Government Code to require a statutory probate court judge who is assigned to hear a contested matter on the motion of a party in a probate proceeding in a county with no statutory probate court or statutory county court exercising original probate jurisdiction to take the following actions:

- to the extent possible, order that any amounts the county paid as compensation and expenses associated with the judge's assignment be reimbursed to the county from the estate and from the parties to the proceeding; and
- prescribe the amount and manner by which the compensation and expenses are to be equitably apportioned among the estate and parties, as applicable.

H.B. 251 amends the Estates Code to include an express authorization for the assigned judge to order the estate to pay such reimbursement in statutory provisions relating to the expenses of personal representatives and others involved in estate administration.

H.B. 251 applies only to a motion for the assignment of a statutory probate court judge that is filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.