

SUBJECT: Removing and replacing obsolete references to the Texas Probate Code

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Leach, Farrar, Y. Davis, Julie Johnson, Krause, Meyer, Neave, Smith, White

0 nays

WITNESSES: For — William Pargaman, Real Estate, Probate & Trust Law Section, State Bar of Texas; (*Registered, but did not testify*: Craig Hopper, Lauren Hunt, and Melissa Willms, State Bar of Texas, Real Estate Probate & Trust Law Section; Guy Herman, Travis County Probate Court and Presiding Statutory Probate Judge of Texas)

Against — None

BACKGROUND: The Legislature enacted the Texas Estates Code through HB 2502 by Hartnett in 2009 and repealed the Texas Probate Code through HB 2759 by Hartnett in 2011.

In 2003, the Legislature enacted HB 2292 by Wohlgemuth, which abolished the Texas Department on Aging and transferred its powers, duties, functions, programs, and activities to the Department of Aging and Disability Services. In 2015, the Legislature enacted SB 200 by Nelson, which abolished the Department of Aging and Disability Services in 2017 and transferred its functions to the Health and Human Services Commissions.

DIGEST: HB 2780 would remove references to the obsolete Probate Code in various codes and replace them with appropriate equivalents in the Estates Code. The bill also would remove an obsolete reference to the Texas Department of Aging and replace it with the Health and Human Services Commission.

The bill would take effect September 1, 2019.

