

BILL ANALYSIS

Senate Research Center

H.B. 881
By: Arthur Reyna (Wentworth)
Jurisprudence
5-17-97
Engrossed

DIGEST

Currently, the Texas Probate Code requires that a total of \$5,000 for funeral and last illness expenses combined be paid as the first priority in payment of debts upon death.

H.B. 881 would amend Sections 320 and 322 of the Probate Code to increase the secured amount which is to be paid by a personal representative of an estate for funeral expenses and expenses related to the last illness. The increase would provide that funeral expenses and expenses of last sickness receive first priority for up to \$15,000.

PURPOSE

As proposed, H.B. 881 increase the secured amount which is to be paid by a personal representative of an estate for funeral expenses and expenses related to the last illness.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 320(a), Probate Code, to requires funeral expenses and expenses of last sickness be paid first and in an amount not to exceed \$15,000, rather than \$5,000.

SECTION 2. Amends Section 322, Probate Code, to require claims against an estate of a decedent to be classified and have priority of payment for funeral expenses and expenses of last sickness for a reasonable amount to be approved by the court, not to exceed a total of \$15,000, rather than \$5,000.

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.