

BILL ANALYSIS

Senate Research Center
76R6358 KLA-D

H.B. 2580
By: Hartnett (Wentworth)
Jurisprudence
5/4/1999
Engrossed

DIGEST

Questions have arisen in litigation regarding whether the scope of a probate court's power to transfer a case under Section 5B, Probate Code, is equal to the scope of its power to hear a case. H.B. 2580 amends that section to clarify a statutory probate court's authority to transfer and consolidate proceedings involving an estate or guardianship, including causes of action involving a personal representative of an estate or a ward's estate.

PURPOSE

As proposed, H.B. 2580 transfers certain proceedings to a statutory probate court.

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 5B, Texas Probate Code, to authorize a judge of a statutory probate court, on certain motions to transfer to the court from a district, county, or statutory court a cause of action in which a personal representative of an estate pending in the statutory probate court is a party. Makes a conforming change.

SECTION 2. Amends Section 608, Texas Probate Code, to make a conforming change.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.