

BILL ANALYSIS

Senate Research Center

H.B. 777
By: Thompson (Wentworth)
Jurisprudence
4/9/1999
Engrossed

DIGEST

Currently, conflicts exist between various appellate courts regarding the meaning and intent of a law regarding matters appertaining to and incident to guardianship estates. Additionally, court resources are being spent to defend the meaning of the phrase, "appertaining to and incident to." H.B. 777 clarifies the legislative intent that all suits, actions, and applications filed regarding matters of guardianship are appertaining to and incident to an estate.

PURPOSE

As proposed, H.B. 777 clarifies legislative intent regarding the jurisdiction of a statutory probate court in certain guardianship matters.

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 607(b), Texas Probate Code, to provide that all suits, actions, and applications on behalf of any guardianship under the jurisdiction of a statutory probate court, are appertaining to and incident to an estate.

SECTION 2. Amends Section 607(e), Texas Probate Code, to provide that Subsection (d), rather than Subsection (c), applies regardless of the relationship of the matter to a guardianship estate. Makes conforming changes.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.