

BILL ANALYSIS

Senate Research Center
76R3099 JMM-F

H.J.R. 36
By: Goodman (Harris)
Jurisprudence
5/4/1999
Engrossed

DIGEST

Currently, a person who is married or about to marry is authorized to enter into a marital agreement converting community property to separate property, but spouses cannot convert separate property to community property. Upon death, separate property is taxed more heavily by the federal government than community property. As proposed, H.J.R. 36 would require the submission to the voters of a constitutional amendment authorizing spouses to agree in writing that all or part of the separate property owned by either or both of them shall be the spouses' community property.

PURPOSE

As proposed, H.J.R. 36 requires the submission to the voters of a constitutional amendment authorizing spouses to agree that all or part of the separate property owned by either or both of them shall be the spouses' community property.

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 15, Article XVI, Texas Constitution, to authorize spouses to agree that all or part of the separate property owned by either or both of them shall be the spouses' community property.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 2, 1999. Sets forth the required language for the ballot.