

## **BILL ANALYSIS**

Senate Research Center  
76R3081 DWS-D

S.J.R. 15  
By: Harris  
State Affairs  
2/9/1999  
As Filed

### **DIGEST**

Currently, Texas law provides three ways for the spouse of an incapacitated person to sign transactions for the incapacitated spouse. However, language in transactions involving home equity loans refers only to the required consent of a spouse. This causes lenders to believe that normal consent does not apply to home equity loans. This bill would legitimize the giving of consent by an incapacitated spouse regarding transactions involving an encumbrance on a homestead.

### **PURPOSE**

As proposed, S.J.R. 15 requires the submission to the voters of a constitutional amendment to make an incapacitated person's choice to extend credit secured by a homestead bound by laws of the Texas Constitution.

### **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 50, Article XVI, Texas Constitution, by adding Subsection (t), as follows:

(t) Authorizes the required consent or execution of a contract by an incapacitated spouse to be obtained as provided by law for an incapacitated person.

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