

BILL ANALYSIS

Senate Research Center
77R9680 CAS-D

H.B. 923
By: Hartnett (Wentworth)
Jurisprudence
4/12/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, a district court has exclusive jurisdiction over proceedings concerning trusts except for jurisdiction conferred by law on a statutory probate court or a court that creates a management trust. As proposed, H.B. 923 grants a district court original and exclusive jurisdiction over proceedings to determine the validity of a trust instrument, to modify or terminate a trust, to discharge a trustee, or to adjudicate claims by or against a trustee subject to the creation of a management trust.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 115.001(a), Property Code, to provide that, except as provided by Subsection (d), a district court has original and exclusive jurisdiction over all proceedings concerning trusts, including certain enumerated proceedings.

SECTION 2. Sets forth the intent of this Act.

SECTION 3. Provides that Section 115.001(a), Property Code, as amended by this Act, applies to a cause of action that is pending on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2001.