

BILL ANALYSIS

Senate Research Center
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S.B. 723
By: Bernsen
Jurisprudence
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As Filed

DIGEST AND PURPOSE

Currently, the Probate Code contains inconsistencies in need of clarification and update. As proposed, S.B. 723 addresses privacy concerns by removing social security numbers from the contents of an application for probate of will as muniment of title, thereby conforming it to other types of probate applications. It also substitutes a broader and more appropriate phrase for a limited one, and clarifies code regarding claims against decedents' estates.

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 89A(a), Texas Probate Code, to delete the social security numbers of the applicant and of the decedent from the required information on an application for probate of a will as a muniment of title.

SECTION 2. Amends Section 177(b), Texas Probate Code, to substitute the term "personal representative" for "executor" of the estate of a deceased person. Makes conforming changes.

SECTION 3. Amends Section 313, Texas Probate Code, to require a claimant in a suit in which a claim has been rejected by the representative to institute suit thereon in the court of original probate jurisdiction in which the estate is pending. Deletes language allowing the suit to be instituted in any other court of proper jurisdiction. Deletes text to make a conforming change.

SECTION 4. Makes application of the change made to Section 89A(a), Texas Probate Code, by this Act, prospective.

SECTION 5. Makes application of the changes made to Sections 177(b) and 313, Texas Probate Code, by this Act, prospective.

SECTION 6. Effective date: September 1, 2001.