

## **BILL ANALYSIS**

Senate Research Center  
80R10915 MTB-F

H.B. 1709  
By: Naishtat (Watson)  
Jurisprudence  
4/28/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Personal representatives and guardians are required, unless excused by law, to give bond as a condition for assuming their duties. The amount of the bond is set based upon assets in the estate plus 12 months income. Occasionally, the court will obtain evidence showing that a bond previously given is too high or too low and will need to set a new bond and go through a formal proceeding.

H.B. 1709 amends the process for ordering a new bond to no longer require a judge to conduct a formal proceeding.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 205 and 206, Texas Probate Code, as follows:

Sec. 205. JUDGE TO REQUIRE NEW BOND. Requires a judge, provided that certain conditions exist, without delay and without notice to enter an order requiring a personal representative to give a new bond; or without delay cause the representative to be cited to show cause why he should not give a new bond.

Sec. 206. ORDER REQUIRING NEW BOND. (a) Requires the order entered under Section 205(1) of this code to state certain information. Authorizes the personal representative, if the personal representative opposes the order, to demand a hearing on the order. Requires the hearing to be held before the expiration of the time within which the new bond is required to be given.

(b) Redesignates this subsection from existing Subsection (a).

SECTION 2. Amends Sections 713 and 714, Texas Probate Code, as follows:

Sec. 713. JUDGE TO REQUIRE NEW BOND. Requires a judge, provided that certain conditions exist, without delay and without notice to enter an order requiring the guardian to give a new bond; or without delay cause the guardian to be cited to show cause why the guardian should not give a new bond.

Sec. 714. ORDER REQUIRING NEW BOND. (a) Requires the order entered under Section 713(a) of this code to state certain information. Authorizes the guardian, if the guardian opposes the order, to demand a hearing on the order. Requires the hearing to be held before the expiration of the time within which the new bond must be given.

(b) Creates this subsection from existing text. Amends this subsection to include that a judge under this subsection, rather than section, is authorized to enter an order for a new bond.

SECTION 3. Effective date: September 1, 2007.