

## **BILL ANALYSIS**

Senate Research Center  
84R11184 KFF-F

H.B. 2419  
By: Wray (Rodríguez)  
State Affairs  
4/28/2015  
Engrossed

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

As part of its ongoing review of Texas probate, guardianship, and trust law, the Real Estate, Probate, and Trust Law Section of the State Bar of Texas has proposed several updates to the law regarding estates. Each of these updates is intended to clean up the current law regarding estates.

H.B. 2419 amends current law relating to estates.

The bill amends Section 21.002 (Construction) of the Estates Code to clarify that the Estates Code and the former Probate Code shall be considered one continuous statute, and for the purposes of any instrument that refers to the Probate Code, the Estates Code shall be considered an amendment to the Probate Code.

The bill also provides an alternate provision, which also provides that for the purposes of any instrument that refers to the Probate Code, the Estates Code shall be considered an amendment to the Probate Code. This section only applies, however, if a separate bill is enacted that would change the lettering of Section 21.002.

H.B. 2419 amends current law relating to the relationship between the Estates Code and the former Texas Probate Code.

### **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. (a) Provides that this section takes effect only if the Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Amends Section 21.002, Estates Code, as follows:

Sec. 21.002. CONSTRUCTION. (a) Makes nonsubstantive changes to this subsection.

(b) Provides that this code and the Texas Probate Code, as amended, be considered one continuous statute, and for the purposes of any instrument that refers to the Texas Probate Code, this code shall be considered an amendment to the Texas Probate Code, rather than providing that Chapter 311 (Code Construction Act), Government Code), does not apply to the construction of a provision of Subtitle X, Title 2, or Subtitle Y or Z, Title 3.

SECTION 2. (a) Provides that this section takes effect only if the Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes becomes law.

(b) Amends Section 21.002, Estates Code, by adding Subsection (c), as follows:

(c) Requires that this code and the Texas Probate Code, as amended, be considered one continuous statute, and for the purposes of any instrument that refers to the Texas Probate Code, this code shall be considered an amendment to the Texas Probate Code.

SECTION 3. Effective date: upon passage or September 1, 2015.