

1-1 By: Alonzo, Thompson of Harris H.B. No. 3160
 1-2 (Senate Sponsor - West)
 1-3 (In the Senate - Received from the House May 11, 2015;
 1-4 May 12, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 19, 2015, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 19, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to an exception to the period of filing an application for
 1-21 the grant of letters testamentary or of administration of a
 1-22 decedent's estate.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 301.002(b), Estates Code, is amended to
 1-25 read as follows:

1-26 (b) This section does not apply if administration is
 1-27 necessary to:

1-28 (1) receive or recover property due a decedent's
 1-29 estate; or

1-30 (2) prevent real property in a decedent's estate from
 1-31 becoming a danger to the health, safety, or welfare of the general
 1-32 public and the applicant for the issuance of letters testamentary
 1-33 or of administration is a home-rule municipality that is a creditor
 1-34 of the estate.

1-35 SECTION 2. Section 301.151, Estates Code, is amended to
 1-36 read as follows:

1-37 Sec. 301.151. GENERAL PROOF REQUIREMENTS. An applicant for
 1-38 the issuance of letters testamentary or of administration of an
 1-39 estate must prove to the court's satisfaction that:

1-40 (1) the person whose estate is the subject of the
 1-41 application is dead;

1-42 (2) except as provided by Section 301.002(b)(2), four
 1-43 years have not elapsed since the date of the decedent's death and
 1-44 before the application;

1-45 (3) the court has jurisdiction and venue over the
 1-46 estate;

1-47 (4) citation has been served and returned in the
 1-48 manner and for the period required by this title; and

1-49 (5) the person for whom letters testamentary or of
 1-50 administration are sought is entitled by law to the letters and is
 1-51 not disqualified.

1-52 SECTION 3. Section 306.002(c), Estates Code, is amended to
 1-53 read as follows:

1-54 (c) The court may find other instances of necessity for an
 1-55 administration based on proof before the court, but a necessity is
 1-56 considered to exist if:

1-57 (1) there are two or more debts against the estate;

1-58 (2) there is a desire for the county court to partition
 1-59 the estate among the distributees; ~~or~~

1-60 (3) the administration is necessary to receive or
 1-61 recover funds or other property due the estate; or

2-1 (4) the administration is necessary to prevent real
2-2 property in a decedent's estate from becoming a danger to the
2-3 health, safety, or welfare of the general public.

2-4 SECTION 4. The changes in law made by this Act apply only to
2-5 an application for the grant of letters testamentary or of
2-6 administration of a decedent's estate filed on or after the
2-7 effective date of this Act. An application for the grant of letters
2-8 testamentary or of administration of a decedent's estate filed
2-9 before the effective date of this Act is governed by the law in
2-10 effect on the date the application was filed, and the former law is
2-11 continued in effect for that purpose.

2-12 SECTION 5. This Act takes effect September 1, 2015.

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