

BILL ANALYSIS

Senate Research Center
76R8226 DWS-F

H.B. 2317
By: Hartnett (Wentworth)
Jurisprudence
5/13/1999
Engrossed

DIGEST

The current statute providing for venue for suits involving trusts is Section 115.002, Property Code (Venue), which has been essentially unchanged for more than 50 years. Individual trustees now have greater mobility, and corporate trustees have experienced branching and restructuring, which suggests a need for broadening the venue provisions. For suits involving a single, noncorporate trustee, H.B. 2317 would expand venue to include a trustee's county of residence during the four years prior to a suit, or any county where the situs of administration of the trust has been maintained during the four years prior to the suit. For suits involving corporate or multiple trustees, H.B. 2317 expands venue to include any county where the situs of administration of the trust has been maintained during the four years prior to the suit.

PURPOSE

As proposed, H.B. 2317 expands venue for suits involving certain trusts.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 115.002, Property Code, as follows:

Sec. 115.002. VENUE. (b) Requires an action concerning a trust with a single, noncorporate trustee, to be brought in the county in which the trustee resides or has resided, or the situs of administration of a trust is maintained or has been maintained, at any time during the four-year period preceding the date an action is filed. Makes conforming changes.

(c) Requires that an action be brought in the county in which the situs of administration, rather than the principal office, of a trust with multiple trustees or a corporate trustee is maintained or has been maintained at anytime during the four-year period preceding the date the action is filed, provided that an action may be brought against a corporate trustee maintaining its principal office in the county.

(d) Authorizes a court, for just and reasonable cause, to transfer an action between counties of proper venue on motion of a defendant, a joined party, or an intervening party, according to certain specified provisions concerning the timing of motions filed by various parties.

(e) Authorizes the court to transfer an action from a county of proper venue to any other county on joint agreement by all parties.

(f) Defines "corporate trustee," "principal office," and "situs of administration" for the purposes of this section.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.