

## **BILL ANALYSIS**

Senate Research Center  
85R5081 CLG-F

S.B. 1056  
By: Perry  
State Affairs  
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As Filed

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

Current law requires the administrator of a will to travel to the county where the decedent resided or passed away, even if the decedent had no family in that county and the will is uncontested.

Texas covers approximately 268,000 square miles. When a family member passes away who lives far away, a family member may be required to travel long distances, maybe even multiple times, to attend hearings on cases involving the death of an immediate family member.

Interested parties note these travel requirements can place a significant burden on these family members at high costs during a difficult time of grief.

This bill allows the administrator to petition the court, in a case where the decedent had no family and the will is uncontested, to have the probate proceeding moved to the county where the administrator resides.

This bill is limited to probate proceedings where the administrator is an immediate family member.

As proposed, S.B. 1056 amends current law relating to venue for a proceeding to admit a will to probate or for the granting of letters testamentary or of administration.

### **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 33.001, Estates Code, as follows:

Sec. 33.001. PROBATE OF WILLS AND GRANTING OF LETTERS TESTAMENTARY AND OF ADMINISTRATION. (a) Defines "immediate family member."

(b) Creates this subsection from existing text. Provides that venue for a probate proceeding to admit a will to probate or for the granting of letters testamentary or of administration is, with respect to a decedent who had a domicile or fixed place of residence in this state, in the county in which the decedent resided; or in the county in which the applicant for letters testamentary resides, if no immediate family member of the decedent resides in the same county in which the decedent resided. Deletes existing text providing that the venue for the proceeding is in the county in which the decedent resided. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.