

SUBJECT: Modifying rules related to proceedings of courts affected by disasters

COMMITTEE: Judiciary and Civil Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, Smith,  
White

0 nays

1 absent — Y. Davis

SENATE VOTE: On final passage, March 18 — 30-0

WITNESSES: *On House companion bill, HB 2006:*  
For — (*Registered, but did not testify:* Jim Allison, County Judges and  
Commissioners Association of Texas; Mary Tipps, Texans for Lawsuit  
Reform; Monty Wynn, Texas Municipal League)

Against — (*Registered, but did not testify:* Julie Gilberg)

On — David Slayton, Office of Court Administration

DIGEST: SB 40 would modify rules relating to the terms, locations, and  
proceedings of courts affect by disasters.

**Conduct of court proceedings.** The bill would increase from 30 days to 90 days the period of time that the Texas Supreme Court could modify or suspend procedures for the conduct of court proceedings affected by a governor-declared disaster. The bill would specify that the chief justice of the Supreme Court was responsible for renewing such orders.

**Terms and sessions.** SB 40 would allow the presiding judge of an administrative judicial region to designate the terms and sessions of district courts, statutory county courts, statutory probate courts, county courts, justice courts, municipal courts, and municipal courts of record that were precluded from holding their terms due to a disaster. The judges

of the affected courts would have to approve of such designations.

**Location of proceedings.** The bill would expand the allowable alternate locations that the presiding judge of an administrative judicial region could designate for the proceedings of district courts, statutory county courts, statutory probate courts, and county courts that were precluded from conducting their proceedings at the county seat due to a disaster. Such proceedings could be conducted either:

- in the affected court's judicial district or county; or
- outside that judicial district or county at the location that the presiding judge determined was closest to the county seat and that allowed the court to safely and practicably conduct its proceedings.

SB 40 also would remove a requirement that a disaster occur in a first or second tier coastal county for an alternate location to be designated.

Similarly, the presiding judge of an administrative judicial region could designate alternate locations for the proceedings of justice courts and certain municipal courts either:

- in the county where the justice court was located or in the municipality where the municipal court was located; or
- outside the county or municipality, as applicable, at the location that the presiding judge determined was closest to the court's precinct or municipality and that allowed the court to safely and practicably conduct its proceedings.

**Buildings or rooms.** The bill would give commissioners courts the discretion to designate buildings or rooms located anywhere in the county to be used for housing county or district courts.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

