

BILL ANALYSIS

Senate Research Center

H.B. 3541
By: Gray (Patterson)
Jurisprudence
5-8-97
Engrossed

DIGEST

Most statutory probate courts in Texas do not have the term "County Court" as part of their name in their enabling statutes. Omitting "and County" from Probate and County Court of Galveston County will conform the court's name with the other statutory probate courts and make clear that the Galveston Court has the jurisdiction and responsibilities of all statutory probate courts. In addition, it has become more common for statutory probate courts to have continuous terms, and most other statutory probate courts' enabling statutes provide that their terms continue until the next term begins. Under existing law, the Galveston County Probate Court has four terms each year; most other statutory probate courts have two terms each year. Finally, most of the Texas statutory probate courts require their judges to have at least five years experience as an attorney or judge before holding office; Galveston County Probate Court's enabling statute currently provides that the elected judge must be a licensed attorney practicing for only four years preceding the election. H.B. 3541 renames Galveston County's only statutory probate court, changes the term length of the court, and changes the requirements for eligibility to be elected judge of that court.

PURPOSE

As proposed, H.B. 3541 renames Galveston County's only statutory probate court, changes the term length of the court, and changes the requirements for eligibility to be elected judge of that court.

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 25.0861(b), Government Code, to provide that Galveston County has one statutory probate court, the Probate Court of Galveston County, rather than the Probate and County Court of Galveston County.

SECTION 2. Amends Sections 25.0862(b-1), (c)-(f), (m), and (n), Government Code, to provide that the Probate Court of Galveston County has two, rather than four, terms beginning on the first Mondays of January and July, rather than March, June, September, and December of each year. Provides that each term of court continues until the next term begins. Deletes text regarding changes in terms of the court. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Provides that the redesignation of the Probate and County Court of Galveston County as the Probate Court of Galveston County does not affect the office of judge of that court, and the judge, unless removed, continues to serve for the term to which elected.

SECTION 5. Emergency clause.