

BILL ANALYSIS

Senate Research Center
76R3797 MLS-D

H.B. 3635
By: Naishtat (Wentworth)
Jurisprudence
5/7/1999
Engrossed

DIGEST

Currently, the Travis County probate courts' enabling statute includes jurisdiction that was added at a time when a probate court did not include mental retardation commitment jurisdiction with the probate court. The Probate Code was amended several years ago and gave probate courts jurisdiction over mental retardation commitments. The transfer provision affecting a third-party cause of action is different from those provisions of the other statutory probate courts. H.B. 3635 would set forth provisions related to Probate Court No. 1 of Travis County.

PURPOSE

As proposed, H.B. 3635 sets forth provisions related to Probate Court No. 1 of Travis County.

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 Sections 25.2293(b) and (d), Government Code, to provide that a statutory probate court has general jurisdiction, concurrent with the jurisdiction of the county court, to hear and determine all actions, cases, matters, or proceeding instituted under the Health and Safety Code, rather than under Title 7D of the Health and Safety Code. Authorizes a judge of a statutory probate court on the motion of a party to the action or on the motion of a person interested in an estate to transfer to the judge's court from a district, county, or other statutory court, a case of action in which a personal representative or an estate pending in a statutory probate court is a party. Deletes text regarding the consent of the judge in whose court the case is pending; and acting in the capacity of a personal representative.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.