

BILL ANALYSIS

Senate Research Center

S.B. 1002
By: Wentworth
Jurisprudence
3/17/1999
As Filed

DIGEST

Currently, Chapter 74, Government Code, governs the transfer of cases to a court of proper jurisdiction when appropriate. However, statutory probate courts do not have the ability to transfer lawsuits as an alternative to dismissal in cases in which subject-matter jurisdiction is called into question. S.B. 1002 creates procedures for the transfer of cases between courts in the same county with concurrent jurisdiction.

PURPOSE

As proposed, S.B. 1002 creates procedures for the transfer of cases between courts in the same county with concurrent jurisdiction.

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 Chapter 25B, Government Code, by adding Section 25.00221, as follows:

Sec. 25.00221. TRANSFER OF CASES. Authorizes a statutory probate court judge (judge) to transfer a pending cause of action to another court in the same county with concurrent jurisdiction. Sets forth circumstances authorizing a judge to transfer a cause of action to a district, county, statutory county, or justice court in the same county with concurrent jurisdiction over the transferred cause of action. Provides that upon transfer of a cause of action to a court, all obligations are returnable to the court to which the cause of action is transferred. Requires obligees to appear before the transferred court.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.