

BILL ANALYSIS

Senate Research Center
77R6406 JMC-D

H.B. 2053
By: Clark (Ellis, Rodney)
Intergovernmental Relations
5/9/2001
Engrossed

DIGEST AND PURPOSE

Prior to the 76th Legislative session, municipalities were authorized to create a municipal court of record without having to request and receive a passage of legislation by the legislature. The 76th Legislature required a municipality to have a local law passed before creating a municipal court of record. This legislation created confusion as to whether municipalities not listed in statute have the authority to create a municipal court of record by ordinance. H.B. 2053 authorizes municipalities to create a municipal court of record by ordinance without having a local law passed by the legislature.

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 30.00001, Government Code, as follows:

(b) Provides that this subchapter applies to each municipality covered by another subchapter of this chapter and to each municipality creating municipal courts of record under the general authority of Section 30.00003. Deletes a reference to municipalities listed in this chapter.

(c) Provides that if a provision of this subchapter conflicts with a specific provision in another subchapter for a particular municipality, the specific provision controls.

SECTION 2. Amends Section 30.00041(b), Government Code, to define “appellate courts” for purposes of Subchapter A.

SECTION 3. Amends Section 30.00081(b), Government Code, to make a conforming change.

SECTION 4. Amends Section 30.00122, Government Code, to make a conforming change.

SECTION 5. Amends Section 30.00181(b), Government Code, to make a conforming change.

SECTION 6. Amends Section 30.00221(b), Government Code, to make a conforming change.

SECTION 7. Amends Section 30.00261(b), Government Code, to make a conforming change.

SECTION 8. Amends Section 30.00301(b), Government Code, to make a conforming change.

SECTION 9. Amends Section 30.00341(b), Government Code, to make a conforming change.

SECTION 10. Amends Section 30.00381(b), Government Code, to make a conforming change.

SECTION 11. Amends Section 30.00421(b), Government Code, to make a conforming change.

SECTION 12. Amends Section 30.00461(b), Government Code, to make a conforming change.

SECTION 13. Amends Section 30.00491(b), Government Code, to make a conforming change.

SECTION 14. Amends Section 30.00531(b), Government Code, to make a conforming change.

SECTION 15. Amends Section 30.00561(b), Government Code, to make a conforming change.

SECTION 16. Amends Section 30.00601(b), Government Code, to make a conforming change.

SECTION 17. Amends Section 30.00631(b), Government Code, to make a conforming change.

SECTION 18. Amends Section 30.00671(b), Government Code, to make a conforming change.

SECTION 19. Amends Section 30.00701(b), Government Code, to make a conforming change.

SECTION 20. Amends Section 30.00731(b), Government Code, to make a conforming change.

SECTION 21. Amends Section 30.00771(b), Government Code, to make a conforming change.

SECTION 22. Amends Section 30.00811(b), Government Code, to make a conforming change.

SECTION 23. Amends Section 30.00851(b), Government Code, to make a conforming change.

SECTION 24. Amends Section 30.00891(b), Government Code, to make a conforming change.

SECTION 25. Amends Section 30.00931(b), Government Code, to make a conforming change.

SECTION 26. Amends Section 30.00971(b), Government Code, to make a conforming change.

SECTION 27. Amends Section 30.01011(b), Government Code, to make a conforming change.

SECTION 28. Amends Section 30.01051(b), Government Code, to make a conforming change.

SECTION 29. Amends Section 30.01091(b), Government Code, to make a conforming change.

SECTION 30. Amends Section 30.01131(b), Government Code, to make a conforming change.

SECTION 31. Amends Section 30.01171(b), Government Code, to make a conforming change.

SECTION 32. Amends Section 30.01211(b), Government Code, to make a conforming change.

SECTION 33. Amends Section 30.01251(b), Government Code, to make a conforming change.

SECTION 34. Amends Section 30.01291(b), Government Code, to make a conforming change.

SECTION 35. Amends Section 30.01321(b), Government Code, to make a conforming change.

SECTION 36. Amends Section 30.01371(b), Government Code, to make a conforming change.

SECTION 37. Amends Section 30.01401(b), Government Code, to make a conforming change.

SECTION 38. Amends Section 30.01441(b), Government Code, to make a conforming change.

SECTION 39. (a) Provides that this section applies to any municipality that created municipal courts

of record under Section 30.00003, Government Code, on or after August 31, 1987, and before September 1, 1999.

(b) Provides that the governmental acts and proceedings of a municipal court of record created by a municipality to which this section applies occurring on or after September 1, 1999, and before the effective date of this Act are validated as of the dates they occurred. Prohibits the acts and proceedings from being held invalid because they were not performed in accordance with law.

SECTION 40. (a) Provides that this section applies to any municipality that attempted to create municipal courts of record under Section 30.00003, Government Code, on or after September 1, 1999, and before the effective date of this Act.

(b) Provides that the governmental acts and proceedings of a municipality to which this section applies relating to the attempted creation of municipal courts of record by the municipality are validated as of the dates they occurred. Prohibits the acts and proceedings from being held invalid because they were not performed in accordance with law.

(c) Provides that the governmental acts and proceedings of a municipal court of record attempted to be created by a municipality to which this section applies since the attempted creation and before the effective date of this Act are validated as of the dates they occurred. Prohibits the acts and proceedings from being held invalid because the municipal court of record was not created in accordance with law.

SECTION 41. Provides that Sections 39 and 40 of this Act do not apply to any matter that on the effective date of this Act is involved in litigation if the litigation ultimately results in the matter being held invalid by a final judgment of a court of competent jurisdiction or has been held invalid by a final judgment of a court of competent jurisdiction.

SECTION 42. Effective date: upon passage or September 1, 2001.