

BILL ANALYSIS

Senate Research Center
77R850 JMG-D

H.B. 534
By: Thompson (Wentworth)
Jurisprudence
5/4/2001
Engrossed

DIGEST AND PURPOSE

Under certain circumstances, the presiding judge of a statutory probate court in Texas can assign a current, former, or retired statutory probate judge to hear matters in any statutory court exercising probate jurisdiction. Such a judge retains the specific jurisdictional powers assigned the judge and approximates the jurisdictional powers of a sitting probate judge, but the assigned judge cannot transfer particular causes of action that are related to the proceedings in the court to which the judge was assigned. Without the power to transfer related actions, an assigned judge is unable to exercise jurisdiction that may promote judicial efficiency and economy. H.B. 534 includes transfer of estate and guardianship proceedings within the jurisdiction, powers, and duties assigned to statutory probate court judges by general law.

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 25.0022(n), Government Code, to provide that a judge assigned under this section has the jurisdiction, powers, and duties given by Sections 5, 5A, 5B, 606, 607, and 608, Texas Probate Code, to statutory probate court judges by general law, rather than to the regular judge of the court to which assigned.

SECTION 2. Effective date: September 1, 2001.