

BILL ANALYSIS

Senate Research Center
77R6828 QS-D

H.B. 689
By: Thompson (Wentworth)
Jurisprudence
4/12/2001
Engrossed

DIGEST AND PURPOSE

Currently, certain legislative recommendations have been implemented limiting the jurisdiction of statutory county courts, but similar recommendations regarding the jurisdiction of statutory probate courts have not been implemented. As proposed, H.B. 689 limits the jurisdiction of statutory probate courts to matters of probate, guardianship, mental health, and eminent domain and delineates the particular matters over which statutory probate courts have jurisdiction.

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 25.0021, Government Code, to provide that if this section conflicts with a specific provision for a particular statutory probate court or county, the specific provision controls, except that this section controls over a specific provision for a particular court or county if the specific provision attempts to create jurisdiction in a statutory probate court other than jurisdiction over probate, guardianship, mental health, or eminent domain proceedings. Provides that a statutory probate court as that term is defined in Section 3(ii), Texas Probate Code, has a defined jurisdiction. Provides an exception to this section for the Probate Court of Denton County, until May 1, 2002.

SECTION 2. (a) Amends Section 25.0635(a), Government Code, to provide that a statutory probate court in Denton County has the jurisdiction provided by Section 25.0021, rather than another defined jurisdiction.

(b) Repealer: Sections 25.0635(b) - (c) (relating to the Denton County statutory probate court), Government Code.

SECTION 3. Repealer: Section 25.032 (Application of Subchapter), Government Code;

Sections 24.614(c) and (d) (relating to the 306th Judicial District), Government Code;

Section 25.00266 (Application of Subchapter), Government Code;

Section 25.0595(a) (relating to the Dallas County probate courts), Government Code;

Section 25.0633(c) (relating to the Denton County Court at Law), Government Code;

Section 25.0733(b) and (e) (relating to the El Paso County probate court), Government Code;

Sections 25.0862(b-1), (c), and (d) (relating to the Galveston County statutory court), Government Code;

Section 25.1034(a) (relating to the Harris County probate court), Government Code;

Section 25.2224(a) (relating to the Tarrant County probate court), Government Code; and

Section 25.2293(a), (b), and (d) (relating to the Travis County probate court), Government Code.

SECTION 4. (a) Requires a judge of a statutory probate court, except as provided by SECTION 5 of this Act, to transfer all actions, cases, matters, or proceedings over which the court loses jurisdiction under this Act and that are pending in the court on September 1, 2001, to a district or county court in the county with jurisdiction over the action, case, matter, or proceeding.

(b) Provides that when an action, case, matter, or proceeding is transferred as provided by Subsection (a), all of certain obligations issued from the transferring court are returnable to the court to which the action, case, matter, or proceeding is transferred as if originally issued by that court. Provides that the obligee on all bonds and recognizances taken in and for a court from which an action, case, matter, or proceeding is transferred and all witnesses summoned to appear in a court from which an action, case, matter, or proceeding is transferred are required to appear before the court to which the case is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 5. (a) Requires a judge of a statutory probate court in Denton County to transfer all actions, cases, matters, or proceedings over which the court loses jurisdiction under this Act and that are pending in the court on May 1, 2002, to a district or county court in the county with jurisdiction over the action, case, matter, or proceeding.

(b) Provides that when an action, case, matter, or proceeding is transferred as provided by Subsection (a), all of certain obligations issued from the transferring court are returnable to the court to which the action, case, matter, or proceeding is transferred as if originally issued by that court. Provides that the obligee on all bonds and recognizances taken in and for a court from which an action, case, matter, or proceeding is transferred and all witnesses summoned to appear in a court from which an action, case, matter, or proceeding is transferred are required to appear before the court to which an action, case, matter, or proceeding is transferred as if originally required to appear before the court to which the transfer is made.

SECTION 6. Authorizes a judge of a county court at law who is sitting for a judge of a statutory probate court under Section 25.0733(e) (relating to the El Paso County probate court), Government Code, immediately before the effective date of this Act to continue to serve in that capacity until the regular statutory probate court judge becomes available.

SECTION 7. (a) Effective date: September 1, 2001, except as provided by Subsection (b).

(b) Provides that SECTION 2 of this Act takes effect May 1, 2002.