

BILL ANALYSIS

Senate Research Center
77R1621 AEI-D

S.B. 194
By: Shapiro
Intergovernmental Relations
1/25/2001
As Filed

DIGEST AND PURPOSE

Currently, Collin County's population exceeds the ideal court-to-population ratio for a county court at law. S.B. 194 creates a new County Court at Law for Collin County, which will be designated as a statutory probate court.

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 25.0451, Government Code, to take effect January 1, 2003, to provide that Collin County has one statutory probate court, the Probate Court No. 1 of Collin County (Probate Court No. 1).

SECTION 2. Amends Section 25.0452, Government Code, to delete language relating to the manner of appointment or election of a special judge of a county court at law and the qualifications and rate of compensation allowed for a special judge. Deletes language regarding restrictions on a person assigned as a judge to County Court at Law No. 4 of Collin County; prohibiting the person's assignment as a judge to other certain counties.

SECTION 3. Amends Chapter 25C, Government Code, by adding Section 253.0453, as follows:

Sec. 25.0453. COLLIN COUNTY STATUTORY PROBATE COURT PROVISIONS.

(a) Requires the judge of a statutory probate court in Collin County to be at least 25 years of age, have resided in the county for at least two years preceding the date of election or appointment, be licensed to practice law in this state, and have practiced law or served as a judge in this state, or combination, for the five years preceding the date of election or appointment.

(b) Requires the salary of a judge of a statutory probate court to be paid out of the county treasury on orders of the commissioners court.

(c) Requires the judge of a statutory probate court to diligently discharge the duties of the judge's office on a full-time basis and prohibits the judge to engage in the private practice of law.

(d) Provides that practice for a statutory probate court is that prescribed by law for county courts.

(e) Provides that the laws governing the drawing, selection, service, and pay of jurors for county courts apply to a statutory probate court.

(f) Provides that a statutory probate court has the general jurisdiction of a probate court as provided by Section 25.0021.

SECTION 4. Creates the Probate Court No. 1 January 1, 2003. Requires the initial vacancy in the office of judge of the Probate Court No. 1 of Collin County to be filled by election. Provides that the office exists for purposes of the primary and general elections in 2002, and that a vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

SECTION 5. Provides that, except as provided by SECTION 4(b) of this Act, for purposes of Section 201.027 (New Office), Election Code, the effective date of the Act creating the office is the effective date of the Government Code section establishing the court under this Act.

SECTION 6. Requires the local administrative statutory county court judge to transfer any probate matter that is pending in a statutory county court in Collin County on January 1, 2003, to the Probate Court No. 1. Provides that when a case is transferred as provided by this section, all processes, writs, bonds, recognizances, or other obligations issued from the transferring court are returnable to the Probate Court No. 1 as if originally issued by that court. Provides that the obligees on all bonds and recognizances taken in and for a court from which a case is transferred, and all witnesses summoned to appear in a court from which a case is transferred, are required to appear before the Probate Court No. 1 as if originally required to appear before that court.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2001, except as provided by SECTION 1 of this Act.