

BILL ANALYSIS

Senate Research Center
76R4674 DB-D

S.B. 1001
By: Wentworth
Jurisprudence
3/18/1999
As Filed

DIGEST

Currently, Texas law allows for the creation of multicounty statutory courts. The size of the probate caseload in a county and the willingness of a county commissioners court to fund required staffing are pivotal in the decision to create a statutory probate court, which will allow multiple counties to share the costs and benefits of a statutory probate court. S.B. 1001 would establish provisions regarding multicounty statutory probate courts.

PURPOSE

As proposed, S.B. 1001 establishes provisions regarding multicounty statutory probate courts.

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 25, Government Code, by adding Subsection E, as follows:

SUBCHAPTER E. MULTICOUNTY STATUTORY PROBATE COURTS

Sec. 25.2651. APPLICATION OF SUBCHAPTER. Establishes that this subchapter applies only to statutory probate courts composed of more than one county. Establishes that Subchapters A and B apply to a statutory probate court composed of more than one county, with certain exceptions.

Sec. 25.2652. JUDGE. Provides that a judge is elected by the qualified voters of the counties at the election at which other statutory probate court judges are elected. Sets forth requirements for the judges. Entitles a judge to be paid an annual salary set by a vote of a majority of the total number of the county judges and commissioners of the commissioners courts of the counties. Requires the salaries to be apportioned among the counties according to the ratio between a county's population bears to the total population of the counties composing the court.

Sec. 25.2653. VACANCY. Provides that a vacancy is filled by a joint appointment by the commissioners courts, and approved by a vote of a majority of the county judges and commissioners. Provides that an appointee holds office until the next general election, and until a successor is elected and has qualified. Provides that this section applies to a vacancy existing on creation of the office of judge.

Sec. 25.2654. PERSONNEL. Establishes that the county clerk of a particular county serves as clerk in that county. Provides that the prosecuting attorney representing the state in a statutory probate court in a particular county serves as prosecutor in that county. Requires the sheriff and other court officials in a county to serve in the manner required by law for their offices and are entitled to certain compensation.

Sec. 25.2655. SEAL. Provides that the seal is the same as provided by law for a statutory probate court, except it must contain the name of the court as designated by statute.

Sec. 25.2656. GENERAL LAW. Provides that the general law relating to statutory probate courts applies, unless this subchapter contains a conflicting provision.

SECTION 2. Effective date: September 1, 1999.