

BILL ANALYSIS

Senate Research Center
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S.B. 1163
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Jurisprudence
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As Filed

DIGEST

Currently, some county courts have attempted to alter the current probate system by allowing themselves jurisdiction over probate matters without converting their court into a statutory probate court. The county courts also avoid complying with statutory probate court administrative procedures, and lack the specialized staff needed to handle probate cases effectively. S.B. 1163 would prevent a statute change from becoming effective if the statute attempts to give a county court the jurisdiction of a probate court without becoming a statutory probate court.

PURPOSE

As proposed, S.B. 1163 prevents the jurisdiction of a statutory probate court from being assigned to a statutory county court without the county court first becoming a statutory probate court.

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 Section 25.0021, Government Code, to provide that if this subchapter conflicts with a specific provision of a court or county, the specific provision controls, except when the specific provision attempts to create jurisdiction in a statutory probate court other than jurisdiction over probate, guardianship, mental health, or eminent domain proceedings. Makes conforming changes.

SECTION 2. Repealers:
Section 25.00266, Government Code (Application of Subchapter); and Section 25.0032, Government Code (Application of Subchapter).

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Makes application of this Act prospective.