

## **BILL ANALYSIS**

Senate Research Center  
77R746 JMC-D

H.B. 900  
By: Thompson (West)  
Jurisprudence  
5/11/2001  
Engrossed

### **DIGEST AND PURPOSE**

When the current law that governs the administration of statutory probate courts was enacted in 1983, only eight statutory probate courts existed. Since then, more statutory probate courts have been added, and administrative provisions have been added to the law, but not in a comprehensive fashion. The current system allows the possibility of misunderstandings between administrative judges and statutory probate courts over who has the jurisdiction to control the docket system of the statutory probate court, and does not fully address current management and administrative needs. H.B. 900 creates a separate statutory probate court administrative system similar to the system already in place for district and statutory county courts, thus giving the court system in Texas a more cohesive structure.

### **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 the Government Code to expand the required management and administrative duties of the presiding judge and the statutory probate courts, and authorize the presiding judge to appoint any committees of statutory probate court judges necessary or desirable for court management and administration (Sec. 25.0022).

SECTION 2. The bill establishes the position of a local administrative statutory probate court judge (administrative judge) in each county that has a statutory probate court, and sets forth provisions for the election of the local administrative judge in counties that have two or more statutory probate courts. The bill also sets forth the duties of a local administrative judge (Secs. 25.0022 and 25.00223). The bill requires the statutory probate court judges in each county to, by majority vote, adopt local rules of administration, and sets forth provisions regarding the contents of the rules (Sec. 25.00225). The bill sets forth eligibility requirements for a former or retired judge to serve as a statutory probate court judge, and amends provisions regarding the assignment of statutory probate court judges (Sec. 25.0022). The bill also sets forth provisions regarding the hearing of cases by statutory probate court judges and jurisdiction (Sec. 25.00226).

SECTION 3. Makes a conforming change.

SECTION 4. Effective date: September 1, 2001.