

BILL ANALYSIS

C.S.S.B. 565
By: Wentworth
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law does not provide an alternate location or "emergency provisions" for when a court is unable to hold proceedings in the courthouse because of damages sustained due to natural disasters or emergencies. As a result of the hurricanes that impacted the Texas coast in 2005, several courthouses sustained significant damages, and the courts in those buildings were unable to conduct their daily operations until the courthouses were repaired and reopened.

The purpose of the bill is to authorize courts of appeals, district courts, and statutory county courts to hear cases, hold court, and transact business at the county seat of a county in the court's own or an adjacent administrative judicial region, by order of the chief justice of the Texas Supreme Court.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Adds Section 21.010 to the Government Code defining "emergency".

SECTION 2. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2011, as follows:

Sec. 22.2011. LOCATION OF COURT PROCEEDINGS. (a) Authorizes a court of appeals to hear cases, hold court, and transact its business at the county seat of any county in the court of appeals district as the court determines necessary or convenient.

(b) Authorizes the chief justice of the supreme court, in the event of an emergency, by order to allow a court of appeals to hear cases, hold court, and transact business at the county seat of a county located in an adjacent court of appeals district. Provides that this subsection prevails over any provision of this subchapter that requires a case to be heard in a specific county or city.

SECTION 3. Amends Section 22.204(b), Government Code, as follows:

(b) Repeals duplicative language but continues to require that all cases originating in Travis County be heard and transacted in that county, notwithstanding Section 22.2011(a).

SECTION 4. Amends Section 22.205(b), Government Code, as follows:

(b) Repeals duplicative language, but continues to require that all cases originating in Bexar County be heard and transacted in that county, notwithstanding Section 22.2011(a).

SECTION 5. Amends Section 22.207(b), Government Code, to remove a potential conflict with the change made in this bill.

SECTION 6. Amends Section 22.209(b), Government Code, to repeal duplicative language and to remove a potential conflict with the permissive provision of the bill and the existing requirement that all cases arising in El Paso County be heard in that county.

SECTION 7. Amends Section 22.211(a), Government Code, to require that the Court of Appeals for the Tenth Court of Appeals District be held in the City of Waco, rather than in Waco or the county seat of any county located within the Tenth Court of Appeals District.

SECTION 8. Amends Section 22.213(c), Government Code, to repeal duplicative language and retain the requirement that all cases arising in Smith County be heard in Tyler.

SECTION 9. Amends Section 22.214(c), Government Code, to remove a potential conflict with the amendments made by the bill and existing provisions..

SECTION 10. Amends Subchapter A, Chapter 24, Government Code, by adding Section 24.0171, as follows:

Sec. 24.0171. LOCATION OF EMERGENCY COURT PROCEEDINGS. Authorizes the chief justice of the supreme court, in the event of an emergency, by order to allow a district court to hear cases, hold court, and transact business at the county seat of another county located in the administrative judicial region in which the district court is located or at the county seat of a county located in an adjacent administrative judicial region. Requires that the order designating the emergency location must name the county seat that is nearest the court's own county seat and has a facility available physically suitable for transacting the court's normal business. Provides that this subsection prevails over any provision of this subchapter that requires a case to be heard in a specific county or city.

SECTION 11. Adds Section 25.0013 to the Government Code with regard to the location of emergency statutory county court proceedings.

SECTION 12. Adds Section 25.0028 to the Government Code with regard to location of emergency statutory probate court proceedings.

SECTION 13. Repealer: Section 22.202(g) (First Court of Appeals), 22.203(b) (Second Court of Appeals), 22.206(b) (Fifth Court of Appeals), 22.210(c) (Ninth Court of Appeals), 22.212(c) (Eleventh Court of Appeals), and 22.215(c) (Fourteenth Court of Appeals), Government Code.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds limitations on the discretion of the chief justice of the supreme court with regard to which county seats may be selected for emergency court locations for district, statutory county and statutory probate courts which require that the order of the chief justice of the supreme court must designate the county seat that is nearest the county seat with the emergency which also has a facility available that is physically suitable for transacting the court's normal business.