

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Eiland

H.B. No. 2766

A BILL TO BE ENTITLED

AN ACT

relating to the location at which certain courts may conduct proceedings following certain disasters.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.033 to read as follows:

Sec. 24.033. LOCATION OF PROCEEDINGS FOLLOWING CERTAIN DISASTERS. (a) In this section, "first tier coastal county" and "second tier coastal county" have the meanings assigned by Section 2210.003, Insurance Code.

(b) Notwithstanding any other law, if a natural or other major disaster occurs in a first tier coastal county or a second tier coastal county that precludes a district court from conducting its proceedings at the county seat of that county, the presiding judge of the administrative judicial region may designate an alternate location in the judicial district at which the court may conduct its proceedings.

SECTION 2. Subchapter A, Chapter 25, Government Code, is amended by adding Section 25.0019 to read as follows:

Sec. 25.0019. LOCATION OF PROCEEDINGS FOLLOWING CERTAIN DISASTERS. (a) In this section, "first tier coastal county" and "second tier coastal county" have the meanings assigned by Section 2210.003, Insurance Code.

(b) Notwithstanding any other law, including a specific

1 provision in this chapter for a particular court or county that  
2 requires a statutory county court to conduct its proceedings at the  
3 county seat, if a natural or other major disaster occurs in a first  
4 tier coastal county or a second tier coastal county that precludes a  
5 statutory county court in that county from conducting its  
6 proceedings at the county seat, the presiding judge of the  
7 administrative judicial region may designate an alternate location  
8 in the county at which the court may conduct its proceedings.

9 SECTION 3. Subchapter B, Chapter 25, Government Code, is  
10 amended by adding Section 25.0032 to read as follows:

11 Sec. 25.0032. LOCATION OF PROCEEDINGS FOLLOWING CERTAIN  
12 DISASTERS. (a) In this section, "first tier coastal county" and  
13 "second tier coastal county" have the meanings assigned by Section  
14 2210.003, Insurance Code.

15 (b) Notwithstanding any other law, including a specific  
16 provision in this chapter for a particular court or county that  
17 requires a statutory probate court to conduct its proceedings at  
18 the county seat, if a natural or other major disaster occurs in a  
19 first tier coastal county or a second tier coastal county that  
20 precludes a statutory probate court in that county from conducting  
21 its proceedings at the county seat, the presiding judge of the  
22 statutory probate courts may designate an alternate location in the  
23 county at which the court may conduct its proceedings.

24 SECTION 4. Subchapter A, Chapter 26, Government Code, is  
25 amended by adding Section 26.009 to read as follows:

26 Sec. 26.009. LOCATION OF PROCEEDINGS FOLLOWING CERTAIN  
27 DISASTERS. (a) In this section, "first tier coastal county" and

1 "second tier coastal county" have the meanings assigned by Section  
2 2210.003, Insurance Code.

3 (b) Notwithstanding any other law, including Section  
4 26.002(c), if a natural or other major disaster occurs in a first  
5 tier coastal county or a second tier coastal county that precludes  
6 the county court from conducting its proceedings at the county  
7 seat, the presiding judge of the administrative judicial region may  
8 designate an alternate location in the county at which the court may  
9 conduct its proceedings.

10 SECTION 5. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2007.

# ADOPTED

MAY 18 2007

FLOOR AMENDMENT NO. 1

*Lotay Spaw* BY:   
Secretary of the Senate

1 Amend H.B. No. 2766 (Senate committee printing) as follows:

2 (1) In SECTION 1 of the bill, in added Section 24.033(b),  
3 Government Code (page 1, lines 17 and 18), strike "natural or  
4 other major disaster" and substitute "disaster, as defined by  
5 Section 418.004,".

6 (2) In SECTION 1 of the bill, in added Section 24.033(b),  
7 Government Code (page 1, lines 20 and 21), between "presiding  
8 judge of the administrative judicial region" and "may  
9 designate", insert ", with the approval of the judge of the  
10 affected district court,".

11 (3) In SECTION 2 of the bill, in added Section 25.0019(b),  
12 Government Code (page 1, line 33) strike "natural or other major  
13 disaster" and substitute "disaster, as defined by Section  
14 418.004,".

15 (4) In SECTION 2 of the bill, in added Section 25.0019(b),  
16 Government Code (page 1, lines 36 and 37), between "presiding  
17 judge of the administrative judicial region" and "may  
18 designate", insert ", with the approval of the judge of the  
19 affected statutory county court,".

20 (5) In SECTION 3 of the bill, in added Section 25.0032(b),  
21 Government Code (page 1, line 48), strike "natural or other  
22 major disaster" and substitute "disaster, as defined by Section  
23 418.004,".

24 (6) In SECTION 3 of the bill, in added Section 25.0032(b),  
25 Government Code (page 1, lines 51 and 52), between "presiding  
26 judge of the statutory probate courts" and "may designate",  
27 insert ", with the approval of the judge of the affected  
28 statutory probate court,".

14

1 (7) In SECTION 4 of the bill, in added Section 26.009(b),  
2 Government Code (page 1, line 61), strike "natural or other  
3 major disaster" and substitute "disaster, as defined by Section  
4 418.004,".

5 (8) In SECTION 4 of the bill, in added Section 26.009(b),  
6 Government Code (page 1, line 64, through page 2, line 1),  
7 between "presiding judge of the administrative judicial region"  
8 and "may designate", insert ", with the approval of the judge of  
9 the affected county court,".

5  
2

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 25, 2007**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** **HB2766** by Eiland (Relating to the location at which certain courts may conduct proceedings following certain disasters.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to authorize the presiding judge of the administrative judicial region to designate an alternate location in the district at which a district court may conduct its proceedings if the district court in a "first tier" or "second tier" coastal county is unable to conduct its proceedings in a county seat due to a natural or other major disaster. The presiding judge of the administrative judicial region may also make a designation for a statutory county court, a county court, or a statutory probate court, located in a first tier or second tier coastal county in the same circumstance to conduct proceedings elsewhere.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

**Local Government Impact**

The fiscal impact to the affected courts would vary depending on how many proceedings and accompanying records must be moved and any associated expenses; however, it is anticipated the costs would be less than if all proceedings were delayed. There may also be expenses to the courts in which the displaced courts must share courtrooms.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, DB

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 23, 2007**

**TO:** Honorable Will Hartnett, Chair, House Committee on Judiciary

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2766** by Eiland (Relating to the location at which certain courts may conduct proceedings following certain disasters.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to authorize the presiding judge of the administrative judicial region to designate an alternate location in the district at which a district court may conduct its proceedings if the district court in a "first tier" or "second tier" coastal county is unable to conduct its proceedings in a county seat due to a natural or other major disaster. The presiding judge of the administrative judicial region may also make a designation for a statutory county court, a county court, or a statutory probate court, located in a first tier or second tier coastal county in the same circumstance to conduct proceedings elsewhere.

The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2007.

**Local Government Impact**

The fiscal impact to the affected courts would vary depending on how many proceedings and accompanying records must be moved and any associated expenses; however, it is anticipated the costs would be less than if all proceedings were delayed. There may also be expenses to the courts in which the displaced courts must share courtrooms.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, DB