

## **BILL ANALYSIS**

Senate Research Center  
76R7842 JMC-F

H.B. 2534  
By: Thompson (Wentworth)  
Jurisprudence  
5/13/1999  
Engrossed

### **DIGEST**

In 1987, when Subchapter B (General Provisions Relating to Statutory Probate Courts), Chapter 25 (Statutory County Courts), Government Code, was specifically added for the provisions governing statutory probate courts, the legislature failed to duplicate all the provisions applicable to statutory probate courts in the newly created chapter. The current oath provision requires visiting judges to take a new oath of office for each assignment as well as containing outdated language which refers to visiting judges as "special judges." H.B. 2534 provides that a visiting judge of a statutory court is required to file the oath with the court in which the judge is assigned to preside and provisions for managing the filed oaths for future appointments of the visiting judge. This bill also changes the language referring to "special judges" as well as providing equal provisions as to oaths for visiting judges of statutory probate courts.

### **PURPOSE**

As proposed, H.B. 2534 sets forth regulations regarding visiting judges and special judges of certain 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 Section 25.0017, Government Code, as follows:

Sec. 25.0017. New heading: VISITING JUDGE TO TAKE OATH. (a) Requires a person who is a retired or former judge to take the oath of office required by the constitution and file the oath with the regional presiding judge, before accepting an assignment as a visiting judge of a statutory county court, rather than when serving as a special judge, after being agreed on, elected, or appointed. Makes conforming and nonsubstantive changes.

(b) Requires a regional presiding judge to maintain a file containing the oaths of office filed with the judge under Subsection (a).

(c) Authorizes a retired or former judge to be assigned as a visiting judge of a statutory county court only if the judge has filed with the regional presiding judge an oath of office as required by this section.

SECTION 2. Amends Section 25.0018, Government Code, make conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 25B, Government Code, by adding Section 25.00221, as follows:

Sec. 25.00221. VISITING JUDGE TO TAKE OATH; RECORD. (a) Provides that this section applies to the assignment of a retired or former judge as a visiting judge of a statutory probate court under Section 25.0022(Assignment of Judges of Statutory Probate Courts).

(b) Requires a person who is a retired or former judge to take and oath of office required by the constitution and file the oath with the presiding judge of the statutory probate courts.

(c) Requires the presiding judge to maintain a file containing the oaths of office filed with the judge

under Subsection (b).

(d) Authorizes a retired or former judge to be assigned as a visiting judge of a statutory probate court only if the judge has filed with the presiding judge an oath of office as required by this section.

(e) Requires the clerk to enter in the minutes as part of the proceedings in the cause a record that gives the visiting judge's name and shows that the judge of the court was disqualified, absent, or disabled to try the cause; the visiting judge was appointed; and the oath of office prescribed by law for a retired or former judge who is appointed as a visiting judge was duly administered to the visiting judge and filed with the presiding judge.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.