

1-1 By: Duncan S.B. No. 1717
1-2 (In the Senate - Filed March 11, 2011; March 23, 2011, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 18, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1717 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the operation and administration of the judicial branch
1-11 of state government.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 ARTICLE 1. APPELLATE COURT PROVISIONS

1-14 SECTION 1.01. Subsection (b), Section 22.002, Government
1-15 Code, is amended to read as follows:

1-16 (b) The supreme court or, in vacation, a justice of the
1-17 supreme court may issue a writ of mandamus to compel a statutory
1-18 county court judge, a statutory probate court judge, or a district
1-19 judge to proceed to trial and judgment in a case ~~agreeable to the~~
1-20 ~~principles and usages of law, returnable to the supreme court on or~~
1-21 ~~before the first day of the term, or during the session of the term,~~
1-22 ~~or before any justice of the supreme court as the nature of the case~~
1-23 ~~requires~~.

1-24 SECTION 1.02. (a) Section 24.007, Property Code, is
1-25 amended to read as follows:

1-26 Sec. 24.007. APPEAL. (a) ~~A final judgment of a county~~
1-27 ~~court in an eviction suit may not be appealed on the issue of~~
1-28 ~~possession unless the premises in question are being used for~~
1-29 ~~residential purposes only.~~] A judgment of a county court in an
1-30 eviction suit may not under any circumstances be stayed pending
1-31 appeal unless, within 10 days of the signing of the judgment, the
1-32 appellant files a supersedeas bond in an amount set by the county
1-33 court. In setting the supersedeas bond the county court shall
1-34 provide protection for the appellee to the same extent as in any
1-35 other appeal, taking into consideration the value of rents likely
1-36 to accrue during appeal, damages which may occur as a result of the
1-37 stay during appeal, and other damages or amounts as the court may
1-38 deem appropriate.

1-39 (b) Notwithstanding any other law, an appeal may be taken
1-40 from a final judgment of a county court, statutory county court,
1-41 statutory probate court, or district court in an eviction suit.

1-42 (b) The change in law made by this section applies to an
1-43 appeal of a final judgment rendered on or after the effective date
1-44 of this section. An appeal of a final judgment rendered before the
1-45 effective date of this section is governed by the law in effect on
1-46 the date the judgment was rendered, and the former law is continued
1-47 in effect for that purpose.

1-48 SECTION 1.03. Section 22.007, Government Code, is repealed.

1-49 ARTICLE 2. GENERAL PROVISIONS FOR DISTRICT COURTS

1-50 SECTION 2.01. Section 24.002, Government Code, is amended
1-51 to read as follows:

1-52 Sec. 24.002. ASSIGNMENT OF JUDGE OR TRANSFER OF CASE ON
1-53 RECUSAL [SUBSTITUTE JUDGES]. If a district judge determines on the
1-54 judge's own motion that the judge should not sit in a case pending
1-55 in the judge's court because the judge is disqualified or otherwise
1-56 should recuse himself or herself, the judge shall enter a recusal
1-57 order, request the presiding judge of that administrative judicial
1-58 region to assign another judge to sit, and take no further action in
1-59 the case except for good cause stated in the order in which the
1-60 action is taken. A change of venue is not necessary because of the
1-61 disqualification of a district judge in a case or proceeding
1-62 pending in the judge's [his] court[, but the judge shall
1-63 immediately certify his disqualification to the governor. The

2-1 ~~governor shall designate a district judge of another district to~~
 2-2 ~~exchange benches with the disqualified judge to try the case. The~~
 2-3 ~~governor shall notify both judges of his designation, and the~~
 2-4 ~~judges shall exchange benches. If the judges are prevented from~~
 2-5 ~~exchanging benches, the parties or their counsels may agree on an~~
 2-6 ~~attorney of the court for the trial of the case. The district judge~~
 2-7 ~~or special judge shall certify to the governor the fact of a failure~~
 2-8 ~~of the parties or their counsels to agree on an attorney, and the~~
 2-9 ~~governor shall appoint a person legally qualified to act as judge in~~
 2-10 ~~the trial of the case].~~

2-11 SECTION 2.02. Sections 24.003 and 24.007, Government Code,
 2-12 are amended to read as follows:

2-13 Sec. 24.003. TRANSFER OF CASES; EXCHANGE OF BENCHES
 2-14 ~~[SUBSTITUTE JUDGES IN CERTAIN COUNTIES]~~. (a) This section applies
 2-15 only to ~~civil cases in~~ counties with two [~~five~~] or more district
 2-16 courts.

2-17 (b) Unless provided otherwise by the local rules of
 2-18 administration, a district judge in the county may:

2-19 (1) transfer any civil or criminal case or proceeding
 2-20 on the court's docket to the docket of another district court in the
 2-21 county;

2-22 (2) hear and determine any case or proceeding pending
 2-23 in another district court in the county without having the case
 2-24 transferred;

2-25 (3) sit for another district court in the county and
 2-26 hear and determine any case or proceeding pending in that court;

2-27 (4) temporarily exchange benches with the judge of
 2-28 another district court in the county;

2-29 (5) try different cases in the same court at the same
 2-30 time; and

2-31 (6) occupy the judge's own courtroom or the courtroom
 2-32 of another district court in the county.

2-33 (c) If a district judge in the county is sick or otherwise
 2-34 absent, another district judge in the county may hold court for the
 2-35 judge.

2-36 (d) A district judge in the county may hear and determine
 2-37 any part or question of any case or proceeding pending in any of the
 2-38 district courts, and any other district judge may complete the
 2-39 hearing and render judgment in the case or proceeding. A district
 2-40 judge may hear and determine motions, including motions for new
 2-41 trial, petitions for injunction, applications for the appointment
 2-42 of a receiver, interventions, pleas in abatement, dilatory pleas,
 2-43 and all preliminary matters, questions, and proceedings, and may
 2-44 enter judgment or order on them in the court in which the case or
 2-45 proceeding is pending without transferring the case or proceeding.
 2-46 The district judge in whose court the matter is pending may proceed
 2-47 to hear, complete, and determine the matter, or all or any part of
 2-48 another matter, and render a final judgment. A district judge may
 2-49 issue a restraining order or injunction that is returnable to any
 2-50 other district court.

2-51 (e) A judgment or order shall be entered in the minutes of
 2-52 the court in which the case is pending.

2-53 (f) This section does not limit the powers of a district
 2-54 judge when acting for another judge by exchange of benches or
 2-55 otherwise ~~[If a district judge is disqualified in a case pending in~~
 2-56 ~~his court and his disqualification is certified to the governor,~~
 2-57 ~~the governor may require any other district judge in the county to~~
 2-58 ~~exchange benches with the disqualified judge.~~

2-59 ~~[(c) If a district judge is absent, sick, or disqualified,~~
 2-60 ~~any of the district judges in the county may hold court for him or~~
 2-61 ~~may transfer a pending case to the court of any other district judge~~
 2-62 ~~in the county].~~

2-63 Sec. 24.007. JURISDICTION. (a) The district court has the
 2-64 jurisdiction provided by Article V, Section 8, of the Texas
 2-65 Constitution.

2-66 (b) A district court has original jurisdiction of a civil
 2-67 matter in which the amount in controversy is more than \$500,
 2-68 exclusive of interest.

2-69 SECTION 2.03. Subsection (a), Section 24.012, Government

3-1 Code, is amended to read as follows:

3-2 (a) Notwithstanding any other law, each [Each] district
 3-3 [and criminal district] court holds in each county in the judicial
 3-4 district [at least two] terms that commence on the first Mondays in
 3-5 January and July of [court] each year [in each county in the
 3-6 district]. To the extent of a conflict between this subsection and
 3-7 a specific provision relating to a particular judicial district,
 3-8 this section controls.

3-9 SECTION 2.04. Subchapter A, Chapter 24, Government Code, is
 3-10 amended by adding Sections 24.023, 24.024, 24.025, 24.026, 24.027,
 3-11 24.028, 24.029, 24.030, and 24.031 to read as follows:

3-12 Sec. 24.023. OBLIGATIONS; BONDS. (a) When a case is
 3-13 transferred from one court to another, all processes, writs, bonds,
 3-14 recognizances, and other obligations issued by the transferring
 3-15 court are returnable to the court to which the case is transferred
 3-16 as if originally issued by that court.

3-17 (b) The obligees in all bonds and recognizances taken in and
 3-18 for a court from which a case is transferred, and all witnesses
 3-19 summoned to appear in a district court from which a case is
 3-20 transferred, are required to appear before the court to which the
 3-21 case is transferred as if the bond, recognizance, or summons was
 3-22 taken in or for that court.

3-23 Sec. 24.024. FILING AND DOCKETING CASES. In a county with
 3-24 two or more district courts, the district judges may adopt rules
 3-25 governing the filing and numbering of cases, the assignment of
 3-26 cases for trial, and the distribution of the work of the courts as
 3-27 in their discretion they consider necessary or desirable for the
 3-28 orderly dispatch of the business of the courts.

3-29 Sec. 24.025. SUPPLEMENTAL COMPENSATION. (a) Unless
 3-30 otherwise provided by this subchapter, all district judges in a
 3-31 county are entitled to equal amounts of supplemental compensation
 3-32 from the county.

3-33 (b) A district judge is entitled to an amount of
 3-34 supplemental compensation for serving on the juvenile board of a
 3-35 county that is equal to the amount other judges serving on the
 3-36 juvenile board receive.

3-37 Sec. 24.026. APPOINTMENT OF INITIAL JUDGE. On the creation
 3-38 of a new judicial district, the initial vacancy in the office of
 3-39 district judge is filled in accordance with Section 28, Article V,
 3-40 Texas Constitution.

3-41 Sec. 24.027. GRAND AND PETIT JURORS. All grand and petit
 3-42 jurors selected in a county before a new district court is created
 3-43 or the composition of an existing district court is modified by an
 3-44 amendment to this chapter are considered to be selected for the new
 3-45 or modified district court, as applicable.

3-46 Sec. 24.028. CASES TRANSFERRED. If by an amendment to this
 3-47 chapter a county is removed from the composition of an existing
 3-48 judicial district and added to another existing or new judicial
 3-49 district, all cases and proceedings from that county that are
 3-50 pending in the district court of the judicial district from which
 3-51 the county was removed are transferred to the district court of the
 3-52 judicial district to which the county is added. The judge of each
 3-53 affected district court shall sign the proper orders in connection
 3-54 with the transfer.

3-55 Sec. 24.029. PROCESSES, WRITS, AND OTHER OBLIGATIONS REMAIN
 3-56 VALID. (a) If by an amendment to this chapter a county is removed
 3-57 from the composition of an existing judicial district and added to
 3-58 another existing or new judicial district, or if an amendment to
 3-59 this chapter changes the time or place at which the terms of court
 3-60 are held, all processes, writs, bonds, recognizances, and other
 3-61 obligations issued from and made returnable to that court before
 3-62 the effective date of the transfer or other change are returnable as
 3-63 provided by this subsection. An obligation issued from the
 3-64 affected court is returnable to another district court in the
 3-65 county on the date that court directs, but may not be made
 3-66 returnable on a date that is earlier than the date on which the
 3-67 obligation was originally returnable. The obligations are legal
 3-68 and valid as if the obligations had been made returnable to the
 3-69 issuing court.

4-1 (b) The obligees in all appearance bonds and recognizances
 4-2 taken in and for a district court of a county before the effective
 4-3 date of an amendment to this chapter, and all witnesses summoned to
 4-4 appear before that district court under laws existing before the
 4-5 effective date of an amendment to this chapter, are required to
 4-6 appear at another district court in the county on the date that
 4-7 court directs, but may not be required to appear on a date that is
 4-8 earlier than the date on which the obligees or witnesses were
 4-9 originally required to appear.

4-10 Sec. 24.030. LOCATION OF COURT. (a) A district court
 4-11 shall sit in the county seat for a jury trial in a civil case. The
 4-12 commissioners court of the county may authorize a district court to
 4-13 sit in any municipality within the county to hear and determine
 4-14 nonjury trials in civil cases and to hear and determine motions,
 4-15 arguments, and other matters not heard before a jury in a civil case
 4-16 that is within the court's jurisdiction.

4-17 (b) The district clerk or the clerk's deputy serves as clerk
 4-18 of the court when a court sits in a municipality other than the
 4-19 municipality that is the county seat and may transfer:

4-20 (1) all necessary books, minutes, records, and papers
 4-21 to that municipality while the court is in session there; and
 4-22 (2) the books, minutes, records, and papers back to
 4-23 the clerk's office in the county seat at the end of each session.

4-24 (c) If the commissioners court authorizes a district court
 4-25 to sit in a municipality other than the municipality that is the
 4-26 county seat, the commissioners court shall provide suitable
 4-27 facilities for the court in that municipality.

4-28 Sec. 24.031. COURT OFFICERS. The prosecuting attorney, the
 4-29 sheriff, the district clerk, the bailiffs, and the other officers
 4-30 serving the other district courts of the county shall serve in their
 4-31 respective capacities for the courts listed in this chapter.

4-32 SECTION 2.05. Subsection (g), Section 25.0362, Government
 4-33 Code, is amended to read as follows:

4-34 (g) In matters of concurrent jurisdiction, a judge of a
 4-35 county court at law and a judge of a district court in Cass County
 4-36 may transfer cases between the courts in the same manner that judges
 4-37 of district courts may transfer cases under Section 24.003
 4-38 [24.303].

4-39 SECTION 2.06. Subsection (w), Section 25.0732, Government
 4-40 Code, is amended to read as follows:

4-41 (w) In matters of concurrent jurisdiction, a judge of a
 4-42 statutory county court in El Paso County and a judge of a district
 4-43 court or another statutory county court in El Paso County may
 4-44 transfer cases between the courts in the same manner judges of
 4-45 district courts transfer cases under Section 24.003 [24.303].

4-46 SECTION 2.07. Subsection (c), Section 25.1672, Government
 4-47 Code, is amended to read as follows:

4-48 (c) In matters of concurrent jurisdiction, judges of the
 4-49 county courts at law and district courts in the county may exchange
 4-50 benches and courtrooms and may transfer cases between their dockets
 4-51 in the same manner that district court judges exchange benches and
 4-52 transfer cases under Section 24.003 [24.303].

4-53 SECTION 2.08. Subsection (v), Section 25.1862, Government
 4-54 Code, is amended to read as follows:

4-55 (v) In matters of concurrent jurisdiction, a judge of a
 4-56 county court at law and a judge of a district court or another
 4-57 county court at law may transfer cases between the courts in the
 4-58 same manner judges of district courts transfer cases under Section
 4-59 24.003 [24.303].

4-60 SECTION 2.09. Subsection (k), Section 25.1932, Government
 4-61 Code, is amended to read as follows:

4-62 (k) Notwithstanding Section 74.121(b)(1), in matters of
 4-63 concurrent jurisdiction, the judge of a county court at law and the
 4-64 judges of the district courts in the county may exchange benches and
 4-65 courtrooms and may transfer cases between their dockets in the same
 4-66 manner that judges of district courts exchange benches and transfer
 4-67 cases under Section 24.003 [24.303].

4-68 SECTION 2.10. Section 62.201, Government Code, is amended
 4-69 to read as follows:

5-1 Sec. 62.201. NUMBER OF JURORS. The jury in a district court
 5-2 is composed of 12 persons, except that the parties may agree to try
 5-3 a particular case with fewer than 12 jurors unless a jury of six or
 5-4 12 is required by Section 13, Article V, Texas Constitution.

5-5 SECTION 2.11. Subdivision (2), Subsection (b), Section
 5-6 74.121, Government Code, is amended to read as follows:

5-7 (2) Notwithstanding Subdivision (1), in matters of
 5-8 concurrent jurisdiction, a judge of a statutory county court in
 5-9 Midland County and a judge of a district court in Midland County may
 5-10 exchange benches and courtrooms with each other and may transfer
 5-11 cases between their dockets in the same manner that judges of
 5-12 district courts exchange benches and transfer cases under Section
 5-13 24.003 [24.303].

5-14 SECTION 2.12. Subsection (d), Section 659.012, Government
 5-15 Code, is amended to read as follows:

5-16 (d) Notwithstanding any other provision in this section or
 5-17 other law, in [In] a county with more than five district courts, a
 5-18 district judge who serves as a local administrative district judge
 5-19 under Section 74.091 is entitled to an annual salary from the state
 5-20 that is \$5,000 more than the salary from the state to which the
 5-21 judge is otherwise entitled [under Subsection (a)(1)].

5-22 SECTION 2.13. The following provisions of the Government
 5-23 Code are repealed:

- 5-24 (1) Section 24.013;
- 5-25 (2) Section 24.302;
- 5-26 (3) Section 24.303;
- 5-27 (4) Section 24.304;
- 5-28 (5) Section 24.305;
- 5-29 (6) Section 24.307;
- 5-30 (7) Section 24.308;
- 5-31 (8) Section 24.309;
- 5-32 (9) Section 24.310;
- 5-33 (10) Section 24.311;
- 5-34 (11) Section 24.312;
- 5-35 (12) Section 24.313;
- 5-36 (13) Section 24.314;
- 5-37 (14) Subsection (c), Section 24.528; and
- 5-38 (15) Subsection (c), Section 24.529.

ARTICLE 3. STATUTORY COUNTY COURTS

5-40 SECTION 3.01. Section 25.0002, Government Code, is amended
 5-41 to read as follows:

5-42 Sec. 25.0002. DEFINITIONS [DEFINITION]. In this chapter:

5-43 (1) "Criminal law cases and proceedings" includes
 5-44 cases and proceedings for allegations of conduct punishable in part
 5-45 by confinement in the county jail not to exceed one year.

5-46 (2) "Family[, "family] law cases and proceedings" includes
 5-47 cases and proceedings under Titles 1, 2, 4, and 5, Family
5-48 Code [involving adoptions, birth records, or removal of disability
5-49 of minority or coverture, change of names of persons, child
5-50 welfare, custody, support and reciprocal support, dependency,
5-51 neglect, or delinquency, paternity, termination of parental
5-52 rights, divorce and marriage annulment, including the adjustment of
5-53 property rights, custody and support of minor children involved
5-54 therein, temporary support pending final hearing, and every other
5-55 matter incident to divorce or annulment proceedings, independent
5-56 actions involving child support, custody of minors, and wife or
5-57 child desertion; and independent actions involving controversies
5-58 between parent and child, between parents, and between spouses].

5-59 (3) "Juvenile law cases and proceedings" includes all
 5-60 cases and proceedings brought under Title 3, Family Code.

5-61 (4) "Mental health cases and proceedings" includes all
 5-62 cases and proceedings brought under Chapter 462, Health and Safety
5-63 Code, or Subtitle C or D, Title 7, Health and Safety Code.

5-64 SECTION 3.02. Subsection (c), Section 25.0003, Government
 5-65 Code, is amended to read as follows:

5-66 (c) In addition to other jurisdiction provided by law, a
 5-67 statutory county court exercising civil jurisdiction concurrent
 5-68 with the constitutional jurisdiction of the county court has
 5-69 concurrent jurisdiction with the district court in:

6-1 (1) civil cases in which the matter in controversy
 6-2 exceeds \$500 but does not exceed \$200,000 ~~[\$100,000]~~, excluding
 6-3 interest, statutory or punitive damages and penalties, and
 6-4 attorney's fees and costs, as alleged on the face of the petition;
 6-5 and

6-6 (2) appeals of final rulings and decisions of the
 6-7 division of workers' compensation of the Texas Department of
 6-8 Insurance regarding workers' compensation claims, regardless of
 6-9 the amount in controversy.

6-10 SECTION 3.03. Section 25.0004, Government Code, is amended
 6-11 by adding Subsections (f) and (g) to read as follows:

6-12 (f) The judge of a statutory county court does not have
 6-13 general supervisory control or appellate review of the
 6-14 commissioners court.

6-15 (g) A judge of a statutory county court has the judicial
 6-16 immunity of a district judge.

6-17 SECTION 3.04. Section 25.0007, Government Code, is amended
 6-18 to read as follows:

6-19 Sec. 25.0007. JURIES; PRACTICE AND PROCEDURE. (a) The
 6-20 drawing of jury panels, selection of jurors, and practice in the
 6-21 statutory county courts must conform to that prescribed by law for
 6-22 county courts.

6-23 (b) Practice in a statutory county court is that prescribed
 6-24 by law for county courts, except that practice, procedure, rules of
 6-25 evidence, issuance of process and writs, and all other matters
 6-26 pertaining to the conduct of trials and hearings in the statutory
 6-27 county courts, other than the number of jurors, that involve those
 6-28 matters of concurrent jurisdiction with district courts are
 6-29 governed by the laws and rules pertaining to district courts. This
 6-30 section does not affect local rules of administration adopted under
 6-31 Section 74.093.

6-32 SECTION 3.05. Section 25.0010, Government Code, is amended
 6-33 by amending Subsection (b) and adding Subsections (c), (d), (e),
 6-34 and (f) to read as follows:

6-35 (b) The county attorney or criminal district attorney [and
 6-36 sheriff] shall serve each statutory county court as required by
 6-37 law.

6-38 (c) A county sheriff shall in person or by deputy attend a
 6-39 statutory county court as required by the court.

6-40 (d) The county clerk shall serve as clerk of each statutory
 6-41 county court. The court officials shall perform the duties and
 6-42 responsibilities of their offices and are entitled to the
 6-43 compensation, fees, and allowances prescribed by law for those
 6-44 offices.

6-45 (e) The judge of a statutory county court may appoint the
 6-46 personnel necessary for the operation of the court, including a
 6-47 court coordinator or administrative assistant, if the
 6-48 commissioners court has approved the creation of the position.

6-49 (f) The commissioners court may authorize the employment of
 6-50 as many additional assistant district attorneys, assistant county
 6-51 attorneys, deputy sheriffs, and clerks as are necessary for a
 6-52 statutory county court.

6-53 SECTION 3.06. (a) Section 25.0014, Government Code, is
 6-54 amended to read as follows:

6-55 Sec. 25.0014. QUALIFICATIONS OF JUDGE. The judge of a
 6-56 statutory county court must:

6-57 (1) be at least 25 years of age;

6-58 (2) be a United States citizen and have resided in the
 6-59 county for at least two years before election or appointment; and

6-60 (3) be a licensed attorney in this state who has
 6-61 practiced law or served as a judge of a court in this state, or both
 6-62 combined, for the four years preceding election or appointment,
 6-63 unless otherwise provided for by law.

6-64 (b) The change in law made by this Act to Section 25.0014,
 6-65 Government Code, does not apply to a person serving as a statutory
 6-66 county court judge immediately before the effective date of this
 6-67 Act who met the qualifications of Section 25.0014, Government Code,
 6-68 as it existed on that date, and the former law is continued in
 6-69 effect for determining that person's qualifications to serve as a

7-1 statutory county court judge.

7-2 SECTION 3.07. Subchapter A, Chapter 25, Government Code, is
7-3 amended by adding Sections 25.0016 and 25.00161 to read as follows:

7-4 Sec. 25.0016. TERMS OF COURT. The commissioners court, by
7-5 order, shall set at least two terms a year for the statutory county
7-6 court.

7-7 Sec. 25.00161. PRIVATE PRACTICE OF LAW. The regular judge
7-8 of a statutory county court shall diligently discharge the duties
7-9 of the office on a full-time basis and may not engage in the private
7-10 practice of law.

7-11 SECTION 3.08. Subsections (g) and (i), Section 25.0042, Government Code, are amended to read as follows:

7-12 (g) The district clerk serves as clerk of a county court at law in all cases arising under the Family Code and Section 23.001 and shall establish a separate docket for a county court at law; the county clerk serves as clerk of the court in all other cases. [The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.]

7-13 (i) [Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving cases under the Family Code and Section 23.001 are governed by this section and the laws and rules pertaining to district courts and county courts.] If a case under the Family Code or Section 23.001 is tried before a jury, the jury shall be composed of 12 members.

7-14 SECTION 3.09. Subsection (h), Section 25.0102, Government Code, is amended to read as follows:

7-15 (h) [Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in the county court at law involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts.] If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members; in all other cases the jury shall be composed of six members.

7-16 SECTION 3.10. Subsections (e) and (f), Section 25.0132, Government Code, are amended to read as follows:

7-17 (e) The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases. The district clerk shall establish a separate docket for a county court at law. [The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law.]

7-18 (f) [Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings is that prescribed by law for district courts and county courts.] If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members.

7-19 SECTION 3.11. Subsection (a), Section 25.0202, Government Code, is amended to read as follows:

7-20 (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Bosque County has concurrent jurisdiction with the district court in:

7-21 (1) family law cases and proceedings;
7-22 (2) civil cases in which the matter in controversy
7-23 exceeds \$500 but does not exceed \$200,000 [\$100,000], excluding
7-24 interest, court costs, and attorney's fees; and
7-25 (3) contested probate matters under Section 5(b),
7-26 Texas Probate Code.

7-27 SECTION 3.12. Subsection (b), Section 25.0212, Government Code, is amended to read as follows:

7-28 (b) A county court at law does not have [general supervisory
7-29 control or appellate review of the commissioners court or]

8-1 jurisdiction of:

8-2 (1) felony criminal matters;
 8-3 (2) suits on behalf of the state to recover penalties
 8-4 or escheated property;
 8-5 (3) misdemeanors involving official misconduct;
 8-6 (4) contested elections; or
 8-7 (5) civil cases in which the matter in controversy
 8-8 exceeds \$200,000 [\$100,000], excluding interest, statutory or
 8-9 punitive damages and penalties, and attorney's fees and costs, as
 8-10 alleged on the face of the petition.

8-11 SECTION 3.13. Subsections (a) and (k), Section 25.0222, Government Code, are amended to read as follows:

8-12 (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a statutory county court in Brazoria County has concurrent jurisdiction with the district court in:

8-13 (1) civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [\$100,000], excluding interest, statutory damages and penalties, and attorney's fees and costs, as alleged on the face of the petition;

8-14 (2) appeals of final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy; and

8-15 (3) family law cases and proceedings and juvenile jurisdiction under Section 23.001.

8-16 (k) The district clerk serves as clerk of the statutory county courts in cases instituted in the district courts in which the district courts and statutory county courts have concurrent jurisdiction, and the county clerk serves as clerk for all other cases. ~~[The commissioners court may employ as many additional assistant criminal district attorneys, deputy sheriffs, and deputy clerks as are necessary to serve the statutory county courts.]~~

8-17 SECTION 3.14. Subsections (e) and (f), Section 25.0302, Government Code, are amended to read as follows:

8-18 (e) The district clerk serves as clerk of a county court at law in family law cases and proceedings, and the county clerk serves as clerk of the court in all other cases and proceedings. The district clerk shall establish a separate docket for a county court at law. ~~[The commissioners court may employ the assistant district attorneys, deputy sheriffs, and bailiffs necessary to serve each county court at law.]~~

8-19 (f) ~~[Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings in a county court at law involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts.]~~ If a family law case or proceeding is tried before a jury, the jury shall be composed of 12 members.

8-20 SECTION 3.15. Subsection (b), Section 25.0312, Government Code, is amended to read as follows:

8-21 (b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

8-22 (1) felony cases other than writs of habeas corpus;
 8-23 (2) misdemeanors involving official misconduct;
 8-24 (3) contested elections; or
 8-25 (4) appeals from county court.

8-26 SECTION 3.16. Subsection (b), Section 25.0362, Government Code, is amended to read as follows:

8-27 (b) A county court at law does not have ~~[general supervisory control or appellate review of the commissioners court or]~~ jurisdiction of:

8-28 (1) misdemeanors involving official misconduct;
 8-29 (2) suits on behalf of the state to recover penalties
 8-30 or escheated property;
 8-31 (3) contested elections;
 8-32 (4) suits in which the county is a party; or
 8-33 (5) felony cases involving capital murder.

9-1 SECTION 3.17. Subsection (f), Section 25.0482, Government
 9-2 Code, is amended to read as follows:

9-3 (f) The district clerk serves as clerk of a county court at
 9-4 law for family law cases and proceedings, and the county clerk
 9-5 serves as clerk for all other cases and proceedings. ~~[The district
 9-6 clerk shall establish a separate docket for a county court at law.
 9-7 The commissioners court may employ as many assistant county
 9-8 attorneys, deputy sheriffs, and bailiffs as are necessary to serve
 9-9 the county courts at law.]~~

9-10 SECTION 3.18. Subsection (g), Section 25.0632, Government
 9-11 Code, is amended to read as follows:

9-12 (g) ~~[Jurors regularly impaneled for the week by the district
 9-13 courts of Denton County must include sufficient numbers to serve in
 9-14 the statutory county courts and statutory probate courts as well as
 9-15 the district courts. The jurors shall be made available by the
 9-16 district judge as necessary.]~~ The jury in a statutory county court
 9-17 or statutory probate court in all civil or criminal matters is
 9-18 composed of 12 members, except that in misdemeanor criminal cases
 9-19 and any other case in which the court has jurisdiction that under
 9-20 general law would be concurrent with the county court, the jury is
 9-21 composed of six members.

9-22 SECTION 3.19. Subsection (r), Section 25.0732, Government
 9-23 Code, is amended to read as follows:

9-24 (r) ~~Section [Sections]~~ 25.0006(b) does ~~[and 25.0007 do]~~ not
 9-25 apply to County Court at Law No. 2, 3, 4, 5, 6, or 7 of El Paso
 9-26 County, Texas.

9-27 SECTION 3.20. Subsection (a), Section 25.0733, Government
 9-28 Code, is amended to read as follows:

9-29 (a) ~~Sections 25.0732(q) and [25.0732(d), (h), (i), (j),
 9-30 (m), (n), (o), (p), (q),] (r) [, and (v)]~~, relating to county courts
 9-31 at law in El Paso County, apply to a statutory probate court in El
 9-32 Paso County.

9-33 SECTION 3.21. Subsections (i) and (l), Section 25.0862,
 9-34 Government Code, are amended to read as follows:

9-35 (i) ~~[The clerk of the statutory county courts and statutory
 9-36 probate court shall keep a separate docket for each court.]~~ The
 9-37 clerk shall tax the official court reporter's fees as costs in civil
 9-38 actions in the same manner as the fee is taxed in civil cases in the
 9-39 district courts. ~~[The district clerk serves as clerk of the county
 9-40 courts in a cause of action arising under the Family Code and an
 9-41 appeal of a final ruling or decision of the division of workers'
 9-42 compensation of the Texas Department of Insurance regarding
 9-43 workers' compensation claims, and the county clerk serves as clerk
 9-44 of the court in all other cases.]~~

9-45 (l) Each reporter may be made available when not engaged in
 9-46 proceedings in their court to report proceedings in all other
 9-47 courts. ~~[Practice, appeals, and writs of error in a statutory
 9-48 county court are as prescribed by law for county courts and county
 9-49 courts at law.]~~ Appeals and writs of error may be taken from
 9-50 judgments and orders of the County Courts Nos. 1, 2, and 3 of
 9-51 Galveston County and the judges, in civil and criminal cases, in the
 9-52 manner prescribed by law for appeals and writs of error. Appeals
 9-53 from interlocutory orders of the County Courts Nos. 1, 2, and 3
 9-54 appointing a receiver or overruling a motion to vacate or appoint a
 9-55 receiver may be taken and are governed by the laws relating to
 9-56 appeals from similar orders of district courts.

9-57 SECTION 3.22. Subsection (f), Section 25.0962, Government
 9-58 Code, is amended to read as follows:

9-59 (f) ~~[Practice in a county court at law is that prescribed by
 9-60 law for county courts, except that practice and procedure, rules of
 9-61 evidence, issuance of process and writs, and all other matters
 9-62 pertaining to the conduct of trials and hearings in a county court
 9-63 at law involving cases in the court's concurrent jurisdiction with
 9-64 the district court shall be governed by this section and the laws
 9-65 and rules pertaining to district courts as well as county courts.]~~
 9-66 If a case in the court's concurrent jurisdiction with the district
 9-67 court is tried before a jury, the jury shall be composed of 12
 9-68 members.

9-69 SECTION 3.23. Subsection (a), Section 25.1033, Government

10-1 Code, is amended to read as follows:

10-2 (a) A county criminal court at law in Harris County has the
 10-3 criminal jurisdiction provided by law for county courts, concurrent
 10-4 jurisdiction with civil statutory county courts for Harris County
 10-5 to hear appeals of the suspension of a driver's license and original
 10-6 proceedings regarding occupational driver's licenses, and
 10-7 appellate jurisdiction in appeals of criminal cases from justice
 10-8 courts and municipal courts in the county.

10-9 SECTION 3.24. Subsection (g), Section 25.1042, Government
 10-10 Code, is amended to read as follows:

10-11 (g) The criminal district attorney is entitled to the same
 10-12 fees prescribed by law for prosecutions in the county court. [The
 10-13 commissioners court may employ as many additional deputy sheriffs
 10-14 and clerks as are necessary to serve a county court at law.]

10-15 SECTION 3.25. Subsections (e) and (f), Section 25.1072, Government
 10-16 Code, are amended to read as follows:

10-17 (e) The county clerk serves as clerk of a county court at
 10-18 law, except that the district clerk serves as clerk of the court in
 10-19 family law cases and proceedings. The district clerk shall
 10-20 establish a separate docket for a county court at law. [The
 10-21 commissioners court may employ as many assistant district
 10-22 attorneys, deputy sheriffs, and bailiffs as are necessary to serve
 10-23 the court.]

10-24 (f) [Practice in a county court at law is that prescribed by
 10-25 law for county courts, except that practice and procedure, rules of
 10-26 evidence, issuance of process and writs, and other matters
 10-27 pertaining to the conduct of trials and hearings in a county court
 10-28 at law involving family law cases and proceedings are governed by
 10-29 this section and the laws and rules pertaining to district courts,
 10-30 as well as county courts.] If a family law case or proceeding is
 10-31 tried before a jury, the jury shall be composed of 12 members.

10-32 SECTION 3.26. Subsection (b), Section 25.1142, Government
 10-33 Code, is amended to read as follows:

10-34 (b) A county court at law does not have [general supervisory
 10-35 control or appellate review of the commissioners court or]
 10-36 jurisdiction of:

10-37 (1) civil cases in which the amount in controversy
 10-38 exceeds \$200,000 [\$100,000], excluding interest;
 10-39 (2) felony jury trials;
 10-40 (3) suits on behalf of the state to recover penalties
 10-41 or escheated property;
 10-42 (4) misdemeanors involving official misconduct; or
 10-43 (5) contested elections.

10-44 SECTION 3.27. Subsection (b), Section 25.1182, Government
 10-45 Code, is amended to read as follows:

10-46 (b) A county court at law's civil jurisdiction concurrent
 10-47 with the district court in civil cases is limited to cases in which
 10-48 the matter in controversy does not exceed \$200,000. A county court
 10-49 at law does not have [general supervisory control or appellate
 10-50 review of the commissioners court or] jurisdiction of:

10-51 (1) suits on behalf of this state to recover penalties
 10-52 or escheated property;
 10-53 (2) felony cases involving capital murder;
 10-54 (3) misdemeanors involving official misconduct; or
 10-55 (4) contested elections.

10-56 SECTION 3.28. Subsection (b), Section 25.1312, Government
 10-57 Code, is amended to read as follows:

10-58 (b) A statutory county court in Kaufman County does not have
 10-59 [general supervisory control or appellate review of the
 10-60 commissioners court or] jurisdiction of:

10-61 (1) felony cases involving capital murder;
 10-62 (2) suits on behalf of the state to recover penalties
 10-63 or escheated property;
 10-64 (3) misdemeanors involving official misconduct; or
 10-65 (4) contested elections.

10-66 SECTION 3.29. Subsection (m), Section 25.1542, Government
 10-67 Code, is amended to read as follows:

10-68 (m) [Practice and procedure and rules of evidence governing
 10-69 trials in and appeals from a county court apply to a county court at

11-1 law, except that practice and procedure, rules of evidence,
 11-2 issuance of process and writs, and all other matters pertaining to
 11-3 the conduct of trials and hearings involving family law cases and
 11-4 proceedings shall be governed by this section and the laws and rules
 11-5 pertaining to district courts as well as county courts.] In family
 11-6 law cases, juries shall be composed of 12 members.

11-7 SECTION 3.30. Subsection (g), Section 25.1652, Government
 11-8 Code, is amended to read as follows:

11-9 (g) [Practice in a county court at law is that prescribed by
 11-10 law for county courts, except that practice and procedure, rules of
 11-11 evidence, issuance of process and writs, and all other matters
 11-12 pertaining to the conduct of trials and hearings involving family
 11-13 law matters and proceedings shall be governed by this section and
 11-14 the laws and rules pertaining to district courts.] If a family law
 11-15 case is tried before a jury, the jury shall be composed of 12
 11-16 members.

11-17 SECTION 3.31. Subsection (i), Section 25.1762, Government
 11-18 Code, is amended to read as follows:

11-19 (i) [The laws governing the drawing, selection, service,
 11-20 and pay of jurors for county courts apply to a county court at law.
 11-21 Jurors regularly impaneled for a week by a district court may, at
 11-22 the request of the judge of a county court at law, be made available
 11-23 by the district judge in the numbers requested and shall serve for
 11-24 the week in the county court at law.] In matters of concurrent
 11-25 jurisdiction with the district court, if a party to a suit files a
 11-26 written request for a 12-member jury with the clerk of the county
 11-27 court at law at a reasonable time that is not later than 30 days
 11-28 before the date the suit is set for trial, the jury shall be
 11-29 composed of 12 members.

11-30 SECTION 3.32. Subsection (b), Section 25.1772, Government
 11-31 Code, is amended to read as follows:

11-32 (b) A county court at law does not have [general supervisory
 11-33 control or appellate review of the commissioners court or]
 11-34 jurisdiction of:

11-35 (1) suits on behalf of this state to recover penalties
 11-36 or escheated property;
 11-37 (2) felony cases involving capital murder;
 11-38 (3) misdemeanors involving official misconduct; or
 11-39 (4) contested elections.

11-40 SECTION 3.33. Subsection (e), Section 25.1892, Government
 11-41 Code, is amended to read as follows:

11-42 (e) [The county attorney or district attorney serves a
 11-43 county court at law as required by the judge.] The district clerk
 11-44 serves as clerk of a county court at law in cases enumerated in
 11-45 Subsection (a)(2), and the county clerk serves as clerk in all other
 11-46 cases. The district clerk shall establish a separate docket for a
 11-47 county court at law. [The commissioners court may employ as many
 11-48 additional assistant county attorneys, deputy sheriffs, and clerks
 11-49 as are necessary to serve a county court at law.]

11-50 SECTION 3.34. Subsection (i), Section 25.1932, Government
 11-51 Code, is amended to read as follows:

11-52 (i) [Practice in a county court at law is that prescribed by
 11-53 law for county courts, except that practice and procedure, rules of
 11-54 evidence, issuance of process and writs, and all other matters
 11-55 pertaining to the conduct of trials and hearings in a county court
 11-56 at law involving cases in the court's concurrent jurisdiction with
 11-57 the district court shall be governed by this section and the laws
 11-58 and rules pertaining to district courts as well as county courts.]
 11-59 If a case in the court's concurrent jurisdiction with the district
 11-60 court is tried before a jury, the jury shall be composed of 12
 11-61 members.

11-62 SECTION 3.35. Subsection (b), Section 25.2012, Government
 11-63 Code, is amended to read as follows:

11-64 (b) A county court at law does not have [general supervisory
 11-65 control or appellate review of the commissioners court or]
 11-66 jurisdiction of:

11-67 (1) felony cases involving capital murder;
 11-68 (2) suits on behalf of the state to recover penalties
 11-69 or escheated property;

- (3) misdemeanors involving official misconduct; or
- (4) contested elections.

SECTION 3.36. Subsection (n), Section 25.2142, Government Code, is amended to read as follows:

(n) [A special judge of a county court at law is entitled to receive for services actually performed the same amount of compensation as the regular judge.] A former judge sitting as a visiting judge of a county court at law is entitled to receive for services performed the same amount of compensation that the regular judge receives, less an amount equal to the pro rata annuity received from any state, district, or county retirement fund. An active judge sitting as a visiting judge of a county court at law is entitled to receive for services performed the same amount of compensation that the regular judge receives, less an amount equal to the pro rata compensation received from state or county funds as salary, including supplements.

SECTION 3.37. (a) Subsection (b), Section 25.2222, Government Code, as amended by Chapter 22 (S.B. 124), Acts of the 72nd Legislature, Regular Session, 1991, and Chapter 265 (H.B. 7), Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(b) A county court at law has concurrent jurisdiction with the district court in:

(1) civil cases in which the matter in controversy exceeds \$500 and does not exceed \$200,000 [~~\$100,000~~], excluding mandatory damages and penalties, attorney's fees, interest, and costs;

(2) nonjury family law cases and proceedings;

(3) final rulings and decisions of the division of workers' compensation of the Texas Department of Insurance regarding workers' compensation claims, regardless of the amount in controversy;

(4) eminent domain proceedings, both statutory and inverse, regardless of the amount in controversy;

(5) suits to decide the issue of title to real or personal property;

(7) suits for the enforcement of a lien on real

property;

- (8) suits for the forfeiture of a corporate charter;
- (9) suits for the trial of the right to property valued at \$200 or more that has been levied on under a writ of execution, sequestration, or attachment; and
- (10) suits for the recovery of real property.

(b) Subsection (b) Section 25-2222 Government Code as

(b) Subsection (b), Section 25.2222, Government Code, as amended by Chapter 746 (H.B. 66), Acts of the 72nd Legislature, Regular Session, 1991, is repealed as duplicative of Subsection (b), Section 25.2222, Government Code, as amended by Subsection (a) of this section.

SECTION 3.38. Subsection (a), Section 25.2232, Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Taylor County has:

(1) concurrent jurisdiction with the county court in the trial of cases involving insanity and approval of applications for admission to state hospitals and special schools if admission is by application; and

(2) concurrent jurisdiction with the district court in civil cases in which the matter in controversy exceeds \$500 but does not exceed \$200,000 [~~\$100,000~~], excluding interest.

SECTION 3.39. Subsection (i), section 25.2352, Government Code, is amended to read as follows:

(1) [Practice in a county court at law is that prescribed by law for county courts, except that practice and procedure, rules of evidence, issuance of process and writs, and all other matters pertaining to the conduct of trials and hearings involving family law cases and proceedings shall be governed by this section and the laws and rules pertaining to district courts.] If a family law case

13-1 is tried before a jury, the jury shall be composed of 12 members.

13-2 SECTION 3.40. Subsection (i), Section 25.2382, Government
13-3 Code, is amended to read as follows:

13-4 (i) [Practice in a county court at law is that prescribed by
13-5 law for county courts, except that practice and procedure, rules of
13-6 evidence, issuance of process and writs, and all other matters
13-7 pertaining to the conduct of trials and hearings in a county court
13-8 at law involving matters enumerated in Subsection (a)(2)(B) or (C)
13-9 shall be governed by this section and the laws and rules pertaining
13-10 to district courts.] If a family law case [in Subsection (a)(2)(B)
13-11 or (C)] is tried before a jury, the jury shall be composed of 12
13-12 members.

13-13 SECTION 3.41. Subsections (g) and (h), Section 25.2422,
13-14 Government Code, are amended to read as follows:

13-15 (g) The district attorney of the 49th Judicial District
13-16 serves as district attorney of a county court at law, except that
13-17 the county attorney of Webb County prosecutes all juvenile, child
13-18 welfare, mental health, and other civil cases in which the state is
13-19 a party. The district clerk serves as clerk of a county court at law
13-20 in the cases enumerated in Subsection (a)(2), and the county clerk
13-21 serves as clerk of a county court at law in all other cases. [The
13-22 commissioners court may employ as many deputy sheriffs and bailiffs
13-23 as are necessary to serve the court.]

13-24 (h) [Practice and procedure, rules of evidence, issuance of
13-25 process and writs, and all other matters pertaining to the conduct
13-26 of trials and hearings in a county court at law involving those
13-27 matters of concurrent jurisdiction enumerated in Subsection
13-28 (a)(2)(B) or (C) are governed by this section and the laws and rules
13-29 pertaining to district courts, as well as county courts.] If a
13-30 family law case [enumerated in Subsection (a)(2)(B) or (C)] is
13-31 tried before a jury, the jury shall be composed of 12 members.

13-32 SECTION 3.42. Subsections (d) and (k), Section 25.2452,
13-33 Government Code, are amended to read as follows:

13-34 (d) A county court at law does not have jurisdiction of:

13-35 (1) a case under:

13-36 (A) the Alcoholic Beverage Code;
13-37 (B) the Election Code; or
13-38 (C) the Tax Code;

13-39 (2) a matter over which the district court has
13-40 exclusive jurisdiction; or

13-41 (3) a civil case, other than a case under the Family
13-42 Code or the Texas Probate Code, in which the amount in controversy
13-43 is:

13-44 (A) less than the maximum amount in controversy
13-45 allowed the justice court in Wichita County; or

13-46 (B) more than \$200,000 [\$100,000], exclusive of
13-47 punitive or exemplary damages, penalties, interest, costs, and
13-48 attorney's fees.

13-49 (k) Except as otherwise required by law, if a case is tried
13-50 before a jury, the jury shall be composed of six members and may
13-51 render verdicts by a five to one margin in civil cases and a
13-52 unanimous verdict in criminal cases. [The laws governing the
13-53 drawing, selection, service, and pay of jurors for county courts
13-54 apply to the county courts at law. Jurors regularly impaneled for a
13-55 week by a district court may, on request of the county judge
13-56 exercising the jurisdiction provided by this section or a county
13-57 court at law judge, be made available and shall serve for the week
13-58 in the county court or county court at law.]

13-59 SECTION 3.43. Subsection (h), Section 25.2462, Government
13-60 Code, is amended to read as follows:

13-61 (h) [The county attorney and the county sheriff shall attend
13-62 a county court at law as required by the judge.] The district clerk
13-63 serves as clerk of a county court at law in family law cases and
13-64 proceedings, and the county clerk serves as clerk of the court in
13-65 all other cases and proceedings.

13-66 SECTION 3.44. Subsection (i), Section 25.2482, Government
13-67 Code, is amended to read as follows:

13-68 (i) [The county attorney and the county sheriff shall attend
13-69 a county court at law as required by the judge.] The district clerk

14-1 serves as clerk of a county court at law in family law cases and
 14-2 proceedings, and the county clerk serves as clerk of the court in
 14-3 all other cases and proceedings.

14-4 SECTION 3.45. Subsection (a), Section 25.2512, Government
 14-5 Code, as amended by Chapters 518 (S.B. 1491) and 746 (H.B. 66), Acts
 14-6 of the 72nd Legislature, Regular Session, 1991, is reenacted and
 14-7 amended to read as follows:

14-8 (a) In addition to the jurisdiction provided by Section
 14-9 25.0003 and other law, a county court at law in Wise County has:

14-10 (1) concurrent with the county court, the probate
 14-11 jurisdiction provided by general law for county courts; and
 14-12 (2) concurrent jurisdiction with the district court
 14-13 in:

14-14 (A) eminent domain cases;

14-15 (B) civil cases in which the amount in
 14-16 controversy exceeds \$500, but does not exceed \$200,000 [~~\$100,000~~],
 14-17 excluding interest and attorney's fees; and

14-18 (C) family law cases and proceedings.

14-19 SECTION 3.46. The following provisions of the Government
 14-20 Code are repealed:

14-21 (1) Subsections (b), (d), (f), and (j), Section
 14-22 25.0042;

14-23 (2) Subsections (b), (f), (g), and (h), Section
 14-24 25.0052;

14-25 (3) Subsections (b), (d), (f), and (i), Section
 14-26 25.0102;

14-27 (4) Subsections (d), (g), and (h), Section 25.0132;

14-28 (5) Subsections (c) and (e), Section 25.0152;

14-29 (6) Subsections (b), (f), (g), (h), and (i), Section
 14-30 25.0162;

14-31 (7) Subsections (d), (k), (l), (m), (n), (o), (q),
 14-32 (s), and (t), Section 25.0172;

14-33 (8) Subsections (c), (d), (h), (i), and (k), Section
 14-34 25.0173;

14-35 (9) Subsections (c), (d), and (g), Section 25.0202;

14-36 (10) Subsections (c), (e), and (g), Section 25.0212;

14-37 (11) Subsections (d), (e), (i), (j), and (n), Section
 14-38 25.0222;

14-39 (12) Subsections (b), (d), (f), (h), and (i), Section
 14-40 25.0232;

14-41 (13) Subsections (b), (c), and (e), Section 25.0272;

14-42 (14) Subsections (b), (c), (g), (h), and (i), Section
 14-43 25.0292;

14-44 (15) Subsections (b), (d), and (g), Section 25.0302;

14-45 (16) Subsections (c), (e), and (j), Section 25.0312;

14-46 (17) Subsections (e), (g), (i), (k), (l), and (m),
 14-47 Section 25.0332;

14-48 (18) Subsection (c), Section 25.0362;

14-49 (19) Subsections (b), (d), (f), (i), (j), and (k),
 14-50 Section 25.0392;

14-51 (20) Subsections (b), (c), and (d), Section 25.0452;

14-52 (21) Subsections (a), (c), (d), and (e), Section
 14-53 25.0453;

14-54 (22) Subsections (b), (d), (e), (g), and (h), Section
 14-55 25.0482;

14-56 (23) Subsections (a), (b), (d), (g), and (h), Section
 14-57 25.0512;

14-58 (24) Subsections (b), (d), (f), and (g), Section
 14-59 25.0522;

14-60 (25) Subsections (b), (h), (i), (j), and (k), Section
 14-61 25.0592;

14-62 (26) Subsections (d), (f), (g), (h), (i), and (j),
 14-63 Section 25.0593;

14-64 (27) Subsections (d), (e), (g), (h), (i), (j), and
 14-65 (k), Section 25.0594;

14-66 (28) Subsections (c), (d), (f), and (g), Section
 14-67 25.0595;

14-68 (29) Section 25.0596;

14-69 (30) Subsections (a), (b), and (d), Section 25.0632;

		C.S.S.B. No. 1717
15-1		(31) Subsections (b), (g), (h), (j), (k), and (l),
15-2	Section 25.0702;	(32) Subsections (b), (d), (f), (j), and (k), Section 25.0722;
15-3		(33) Subsections (d), (g), (h), (i), (j), (m), (n), (o), (p), (s), and (v), Section 25.0732;
15-4		(34) Subsections (c), (d), and (f), Section 25.0733;
15-5		(35) Subsection (b), Section 25.0742;
15-6		(36) Subsections (d), (f), (h), (j), and (l), Section 25.0812;
15-7		(37) Subsections (f) and (j), Section 25.0862;
15-8		(38) Subsections (e), (f), and (i), Section 25.0932;
15-9		(39) Subsections (c), (f), (g), (j), and (k), Section 25.0942;
15-10		(40) Subsections (d), (e), and (g), Section 25.0962;
15-11		(41) Subsections (d), (e), (g), (h), and (k), Section 25.1032;
15-12		(42) Subsections (d), (e), (f), (m), and (o), Section 25.1033;
15-13		(43) Subsections (c), (h), (k), and (l), Section 25.1034;
15-14		(44) Subsections (b), (d), (f), (h), and (i), Section 25.1042;
15-15		(45) Subsections (b), (d), (g), and (h), Section 25.1072;
15-16		(46) Subsections (e), (f), (l), and (o), Section 25.1092;
15-17		(47) Subsections (d), (e), (h), (i), (j), and (l), Section 25.1102;
15-18		(48) Section 25.1103;
15-19		(49) Subsections (b), (c), (f), and (k), Section 25.1112;
15-20		(50) Subsections (f), (g), (h), (j), (l), (m), and (p), Section 25.1132;
15-21		(51) Subsections (c), (e), and (g), Section 25.1142;
15-22		(52) Subsections (b), (e), (f), (h), and (i), Section 25.1152;
15-23		(53) Subsections (c), (e), and (h), Section 25.1182;
15-24		(54) Subsections (c), (g), and (i), Section 25.1252;
15-25		(55) Subsections (b), (d), (f), (h), and (i), Section 25.1282;
15-26		(56) Subsections (d), (e), (i), (k), (l), and (n), Section 25.1312;
15-27		(57) Subsections (d), (e), (f), (i), and (j), Section 25.1322;
15-28		(58) Subsections (d) and (h), Section 25.1352;
15-29		(59) Subsections (e), (g), and (i), Section 25.1392;
15-30		(60) Subsections (b), (c), (e), (h), (i), and (k), Section 25.1412;
15-31		(61) Subsections (d), (g), (h), (l), and (m), Section 25.1482;
15-32		(62) Subsections (f), (i), (k), and (n), Section 25.1542;
15-33		(63) Subsections (e), (f), and (g), Section 25.1572;
15-34		(64) Subsections (d), (f), and (h), Section 25.1652;
15-35		(65) Subsections (b) and (f), Section 25.1672;
15-36		(66) Subsections (b), (c), and (g), Section 25.1722;
15-37		(67) Subsections (d), (e), (f), (h), and (i), Section 25.1732;
15-38		(68) Subsections (b), (e), (f), and (h), Section 25.1762;
15-39		(69) Subsections (c), (e), and (h), Section 25.1772;
15-40		(70) Subsections (e), (f), (h), (i), and (j), Section 25.1792;
15-41		(71) Subsections (c), (h), (i), (j), (k), (l), and (q), Section 25.1802;
15-42		(72) Subsections (b), (d), and (j), Section 25.1832;
15-43		(73) Subsections (e), (f), and (i), Section 25.1852;
15-44		(74) Subsections (c), (f), (h), (i), (j), (m), (n),

16-1 (p), (q), and (u), Section 25.1862;
 16-2 (75) Subsection (d), Section 25.1892;
 16-3 (76) Subsections (e), (g), (i), (j), and (k), Section
 16-4 25.1902;
 16-5 (77) Subsections (b), (c), (f), (h), and (j), Section
 16-6 25.1932;
 16-7 (78) Subsections (b), (d), (f), (h), and (j), Section
 16-8 25.1972;
 16-9 (79) Subsections (d), (e), (i), (k), (l), and (n),
 16-10 Section 25.2012;
 16-11 (80) Subsections (c), (e), and (h), Section 25.2032;
 16-12 (81) Subsections (c), (e), (f), (h), and (i), Section
 16-13 25.2072;
 16-14 (82) Subsections (c), (e), (i), (r), (t), and (u),
 16-15 Section 25.2142;
 16-16 (83) Subsections (d), (f), (h), (j), and (k), Section
 16-17 25.2162;
 16-18 (84) Subsections (c), (g), (h), (i), (k), and (n),
 16-19 Section 25.2222;
 16-20 (85) Subsections (c), (e), (g), and (h), Section
 16-21 25.2223;
 16-22 (86) Subsections (b), (c), (f), (g), (i), and (j),
 16-23 Section 25.2224;
 16-24 (87) Subsections (b), (e), (f), and (g), Section
 16-25 25.2232;
 16-26 (88) Subsections (b), (d), (f), (g), (i), and (j),
 16-27 Section 25.2282;
 16-28 (89) Subsections (b), (e), (i), (k), and (l), Section
 16-29 25.2292;
 16-30 (90) Subsections (e), (f), (g), (k), and (l), Section
 16-31 25.2293;
 16-32 (91) Subsections (b), (d), (f), (g), and (j), Section
 16-33 25.2352;
 16-34 (92) Subsections (c), (e), and (h), Section 25.2362;
 16-35 (93) Subsections (c), (f), (g), (h), and (i), Section
 16-36 25.2372;
 16-37 (94) Subsections (b), (d), (f), and (j), Section
 16-38 25.2382;
 16-39 (95) Subsections (b), (d), (f), and (j), Section
 16-40 25.2392;
 16-41 (96) Subsections (b), (d), (f), (i), and (k), Section
 16-42 25.2412;
 16-43 (97) Subsections (b), (d), (f), (i), and (j), Section
 16-44 25.2422;
 16-45 (98) Subsections (f), (h), and (j), Section 25.2452;
 16-46 (99) Subsections (c), (d), (e), (g), (i), and (j),
 16-47 Section 25.2462;
 16-48 (100) Subsections (d), (e), (f), (h), (j), and (k),
 16-49 Section 25.2482; and
 16-50 (101) Subsections (b), (e), (h), and (i), Section
 16-51 25.2512.

16-52 ARTICLE 4. PROVISIONS RELATING TO JUSTICE AND SMALL CLAIMS COURTS
 16-53 SECTION 4.01. (a) Subsection (a), Section 27.005,
 16-54 Government Code, is amended to read as follows:

16-55 (a) For purposes of removal under Chapter 87, Local
 16-56 Government Code, "incompetency" in the case of a justice of the
 16-57 peace includes the failure of the justice to successfully complete:
 16-58 (1) within one year after the date the justice is first
 16-59 elected, an 80-hour course in the performance of the justice's
 16-60 duties; and

16-61 (2) each following year:

16-62 (A) [] a 20-hour course in the performance of
 16-63 the justice's duties; and
 16-64 (B) a 15-hour course regarding substantive,
 16-65 procedural, and evidentiary law in civil matters.

16-66 (b) Subject to Subsection (c) of this section, Subsection
 16-67 (a), Section 27.005, Government Code, as amended by this section,
 16-68 applies to a justice of the peace serving on or after the effective
 16-69 date of this article, regardless of the date the justice was elected

17-1 or appointed.

17-2 (c) A justice of the peace serving on the effective date of
17-3 this article must complete the justice's initial 15-hour course in
17-4 substantive, procedural, and evidentiary law required by Paragraph
17-5 (B), Subdivision (2), Subsection (a), Section 27.005, Government
17-6 Code, as added by this section, not later than August 31, 2012.

17-7 SECTION 4.02. Subchapter C, Chapter 27, Government Code, is
17-8 amended by adding Section 27.060 to read as follows:

17-9 Sec. 27.060. SMALL CLAIMS. (a) A justice court shall
17-10 conduct proceedings in a small claims case, as that term is defined
17-11 by the supreme court, in accordance with rules of civil procedure
17-12 promulgated by the supreme court to ensure the fair, expeditious,
17-13 and inexpensive resolution of small claims cases.

17-14 (b) Except as provided by Subsection (c), rules of the
17-15 supreme court must provide that:

17-16 (1) if both parties appear, the judge shall proceed to
17-17 hear the case;

17-18 (2) formal pleadings other than the statement are not
17-19 required;

17-20 (3) the judge shall hear the testimony of the parties
17-21 and the witnesses that the parties produce and shall consider the
17-22 other evidence offered;

17-23 (4) the hearing is informal, with the sole objective
17-24 being to dispense speedy justice between the parties;

17-25 (5) discovery is limited to that considered
17-26 appropriate and permitted by the judge; and

17-27 (6) the judge shall develop the facts of the case, and
17-28 for that purpose may question a witness or party and may summon any
17-29 party to appear as a witness as the judge considers necessary to a
17-30 correct judgment and speedy disposition of the case.

17-31 (c) The rules of the supreme court must provide specific
17-32 procedures for an action by:

17-33 (1) an assignee of a claim or other person seeking to
17-34 bring an action on an assigned claim;

17-35 (2) a person primarily engaged in the business of
17-36 lending money at interest; or

17-37 (3) a collection agency or collection agent.

17-38 SECTION 4.03. Subchapter C, Chapter 27, Government Code, is
17-39 amended by adding Section 27.061 to read as follows:

17-40 Sec. 27.061. RULES OF ADMINISTRATION. The justices of the
17-41 peace in each county shall, by majority vote, adopt local rules of
17-42 administration.

17-43 SECTION 4.04. Subchapter E, Chapter 15, Civil Practice and
17-44 Remedies Code, is amended by adding Section 15.0821 to read as
17-45 follows:

17-46 Sec. 15.0821. ADMINISTRATIVE RULES FOR TRANSFER. The
17-47 justices of the peace in each county shall, by majority vote, adopt
17-48 local rules of administration regarding the transfer of a pending
17-49 case from one precinct to a different precinct.

17-50 SECTION 4.05. Article 4.12, Code of Criminal Procedure, is
17-51 amended by adding Subsection (e) to read as follows:

17-52 (e) The justices of the peace in each county shall, by
17-53 majority vote, adopt local rules of administration regarding the
17-54 transfer of a pending misdemeanor case from one precinct to a
17-55 different precinct.

17-56 SECTION 4.06. (a) Chapter 28, Government Code, is
17-57 repealed.

17-58 (b) On the effective date of this section, each small claims
17-59 court under Chapter 28, Government Code, is abolished.

17-60 SECTION 4.07. Not later than January 1, 2013, the Texas
17-61 Supreme Court shall promulgate:

17-62 (1) rules to define cases that constitute small claims
17-63 cases;

17-64 (2) rules of civil procedure applicable to small
17-65 claims cases as required by Section 27.060, Government Code, as
17-66 added by this article; and

17-67 (3) rules for eviction proceedings.

17-68 SECTION 4.08. (a) Immediately before the date the small
17-69 claims court in a county is abolished in accordance with this

18-1 article, the justice of the peace sitting as judge of that court
 18-2 shall transfer all cases pending in the court to a justice court in
 18-3 the county.

18-4 (b) When a case is transferred as provided by Subsection (a)
 18-5 of this section, all processes, writs, bonds, recognizances, or
 18-6 other obligations issued from the transferring court are returnable
 18-7 to the court to which the case is transferred as if originally
 18-8 issued by that court. The obligees on all bonds and recognizances
 18-9 taken in and for the transferring court and all witnesses summoned
 18-10 to appear in the transferring court are required to appear before
 18-11 the court to which the case is transferred as if originally required
 18-12 to appear before that court.

18-13 SECTION 4.09. Sections 4.02 and 4.06 of this article take
 18-14 effect January 1, 2013.

18-15 ARTICLE 5. ASSOCIATE JUDGES

18-16 SECTION 5.01. Subtitle D, Title 2, Government Code, is
 18-17 amended by adding Chapter 54A to read as follows:

18-18 CHAPTER 54A. ASSOCIATE JUDGES

18-19 SUBCHAPTER A. CRIMINAL ASSOCIATE JUDGES

18-20 Sec. 54A.001. APPLICABILITY. This subchapter applies to a
 18-21 district court or a statutory county court that hears criminal
 18-22 cases.

18-23 Sec. 54A.002. APPOINTMENT. (a) A judge of a court subject
 18-24 to this subchapter may appoint a full-time or part-time associate
 18-25 judge to perform the duties authorized by this subchapter if the
 18-26 commissioners court of the county in which the court has
 18-27 jurisdiction has authorized the creation of an associate judge
 18-28 position.

18-29 (b) If a court has jurisdiction in more than one county, an
 18-30 associate judge appointed by that court may serve only in a county
 18-31 in which the commissioners court has authorized the appointment.

18-32 (c) If more than one court in a county is subject to this
 18-33 subchapter, the commissioners court may authorize the appointment
 18-34 of an associate judge for each court or may authorize one or more
 18-35 associate judges to share service with two or more courts.

18-36 (d) If an associate judge serves more than one court, the
 18-37 associate judge's appointment must be made by a vote of two-thirds
 18-38 of the judges under whom the associate judge serves.

18-39 Sec. 54A.003. QUALIFICATIONS. To qualify for appointment
 18-40 as an associate judge under this subchapter, a person must:

18-41 (1) be a resident of this state and one of the counties
 18-42 the person will serve;

18-43 (2) have been licensed to practice law in this state
 18-44 for at least four years;

18-45 (3) not have been removed from office by impeachment,
 18-46 by the supreme court, by the governor on address to the legislature,
 18-47 by a tribunal reviewing a recommendation of the State Commission on
 18-48 Judicial Conduct, or by the legislature's abolition of the judge's
 18-49 court; and

18-50 (4) not have resigned from office after having
 18-51 received notice that formal proceedings by the State Commission on
 18-52 Judicial Conduct had been instituted as provided by Section 33.022
 18-53 and before final disposition of the proceedings.

18-54 Sec. 54A.004. COMPENSATION. (a) An associate judge shall
 18-55 be paid a salary determined by the commissioners court of the county
 18-56 in which the associate judge serves.

18-57 (b) If an associate judge serves in more than one county,
 18-58 the associate judge shall be paid a salary as determined by
 18-59 agreement of the commissioners courts of the counties in which the
 18-60 associate judge serves.

18-61 (c) The associate judge's salary is paid from the county
 18-62 fund available for payment of officers' salaries.

18-63 Sec. 54A.005. TERMINATION. (a) An associate judge who
 18-64 serves a single court serves at the will of the judge of that court.

18-65 (b) The employment of an associate judge who serves more
 18-66 than two courts may only be terminated by a majority vote of all the
 18-67 judges of the courts the associate judge serves.

18-68 (c) The employment of an associate judge who serves two
 18-69 courts may be terminated by either of the judges of the courts the

19-1 associate judge serves.

19-2 (d) To terminate an associate judge's employment, the
19-3 appropriate judges must sign a written order of termination. The
19-4 order must state:

19-5 (1) the associate judge's name and state bar
19-6 identification number;

19-7 (2) each court ordering termination; and

19-8 (3) the date the associate judge's employment ends.

19-9 Sec. 54A.006. PROCEEDINGS THAT MAY BE REFERRED. (a) A
19-10 judge may refer to an associate judge any matter arising out of a
19-11 criminal case involving:

19-12 (1) a negotiated plea of guilty before the court;

19-13 (2) a bond forfeiture;

19-14 (3) a pretrial motion;

19-15 (4) a postconviction writ of habeas corpus;

19-16 (5) an examining trial;

19-17 (6) an occupational driver's license;

19-18 (7) an appeal of an administrative driver's license
19-19 revocation hearing;

19-20 (8) any other matter the judge considers necessary and
19-21 proper; and

19-22 (9) setting, adjusting, or revoking bond before the
19-23 filing of an information or the return of an indictment.

19-24 (b) An associate judge may accept an agreed plea of guilty
19-25 from a defendant charged with misdemeanor, felony, or both
19-26 misdemeanor and felony offenses.

19-27 (c) An associate judge has all of the powers of a magistrate
19-28 under the laws of this state and may administer an oath for any
19-29 purpose.

19-30 (d) An associate judge may select a jury. An associate
19-31 judge may not preside over a trial on the merits, whether or not the
19-32 trial is before a jury.

19-33 Sec. 54A.007. ORDER OF REFERRAL. (a) To refer one or more
19-34 cases to an associate judge, a judge must issue a written order of
19-35 referral that specifies the associate judge's duties.

19-36 (b) An order of referral may:

19-37 (1) limit the powers of the associate judge and direct
19-38 the associate judge to report only on specific issues, do
19-39 particular acts, or receive and report on evidence only;

19-40 (2) set the time and place for the hearing;

19-41 (3) prescribe a closing date for the hearing;

19-42 (4) provide a date for filing the associate judge's
19-43 findings;

19-44 (5) designate proceedings for more than one case over
19-45 which the associate judge shall preside;

19-46 (6) direct the associate judge to call the court's
19-47 docket; and

19-48 (7) set forth general powers and limitations or
19-49 authority of the associate judge applicable to any case referred.

19-50 Sec. 54A.008. POWERS. (a) Except as limited by an order of
19-51 referral, an associate judge to whom a case is referred may:

19-52 (1) conduct hearings;

19-53 (2) hear evidence;

19-54 (3) compel production of relevant evidence;

19-55 (4) rule on the admissibility of evidence;

19-56 (5) issue summons for the appearance of witnesses;

19-57 (6) examine a witness;

19-58 (7) swear a witness for a hearing;

19-59 (8) make findings of fact on evidence;

19-60 (9) formulate conclusions of law;

19-61 (10) rule on pretrial motions;

19-62 (11) recommend the rulings, orders, or judgment to be
19-63 made in a case;

19-64 (12) regulate proceedings in a hearing;

19-65 (13) order the attachment of a witness or party who
19-66 fails to obey a subpoena;

19-67 (14) accept a plea of guilty from a defendant charged
19-68 with misdemeanor, felony, or both misdemeanor and felony offenses;

19-69 (15) select a jury; and

(16) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) An associate judge may not enter a ruling on any issue of law or fact if that ruling could result in dismissal or require dismissal of a pending criminal prosecution, but the associate judge may make findings, conclusions, and recommendations on those issues.

(c) Except as limited by an order of referral, an associate judge who is appointed by a district or statutory county court judge and to whom a case is referred may accept a plea of guilty or nolo contendere in a misdemeanor case for a county criminal court. The associate judge shall forward any fee or fine collected for the misdemeanor offense to the county clerk.

(d) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.009. ATTENDANCE OF BAILIFF. A bailiff shall attend a hearing by an associate judge if directed by the referring court.

Sec. 54A.010. COURT REPORTER. At the request of a party, the court shall provide a court reporter to record the proceedings before the associate judge.

law.

(b) A referring court may issue attachment against and may fine or imprison a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.

Sec. 54A.012. PAPERS TRANSMITTED TO JUDGE. At the conclusion of the proceedings, an associate judge shall transmit to the referring court any papers relating to the case, including the associate judge's findings, conclusions, orders, recommendations, or other action taken.

Sec. 54A.013. JUDICIAL ACTION. (a) Not later than the 30th day after the date an action is taken by an associate judge, a referring court may modify, correct, reject, reverse, or recommit for further information the action taken by the associate judge.

(b) If the court does not modify, correct, reject, reverse, or recommit an action to the associate judge, the action becomes the decree of the court.

c. 54A.014. JUDICIAL IMMUNITY. An associate judge has judicial immunity as a district judge. [Sections 54A.015-54A.100 reserved for expansion]

[Sections 54A.015-54A.100 reserved for expansion]
SUBCHAPTER B. CIVIL ASSOCIATE JUDGES

cases. Sec. 54A.102. APPOINTMENT. (a) A judge of a court subject to this subchapter may appoint a full-time or part-time associate judge to perform the duties authorized by this subchapter if the commissioners court of the county in which the court has jurisdiction has authorized the creation of an associate judge position.

(b) If a district court has jurisdiction in more than one county, an associate judge appointed by that court may serve only in a county in which the commissioners court has authorized the appointment.

(c) If more than one court in a county is subject to this subchapter, the commissioners court may authorize the appointment of an associate judge for each court or may authorize one or more associate judges to share service with two or more courts.

(d) If an associate judge serves more than one court, the associate judge's appointment must be made by a vote of two-thirds of the judges under whom the associate judge serves.

Sec. 54A.103. QUALIFICATIONS. To qualify for appointment as an associate judge under this subchapter, a person must:

(1) be a resident of this state and one of the counties the person will serve;

(2) have been licensed to practice law in this state for at least four years;

(3) not have been removed from office by impeachment, by the supreme court, by the governor on address to the legislature, by a tribunal reviewing a recommendation of the State Commission on Judicial Conduct, or by the legislature's abolition of the judge's court; and

(4) not have resigned from office after having received notice that formal proceedings by the State Commission on Judicial Conduct had been instituted as provided in Section 33.022 and before final disposition of the proceedings.

Sec. 54A.104. COMPENSATION. (a) An associate judge shall be paid a salary determined by the commissioners court of the county in which the associate judge serves.

(b) If an associate judge serves in more than one county, the associate judge shall be paid a salary as determined by agreement of the commissioners courts of the counties in which the associate judge serves.

(c) The associate judge's salary is paid from the county fund available for payment of officers' salaries.

Sec. 54A.105. TERMINATION. (a) An associate judge who serves a single court serves at the will of the judge of that court.
(b) The employment of an associate judge who serves more

(b) The employment of an associate judge who serves more than two courts may only be terminated by a majority vote of all the judges of the courts the associate judge serves.

(c) The employment of an associate judge who serves two courts may be terminated by either of the judges of the courts the associate judge serves.

(d) To terminate an associate judge's employment, the appropriate judges must sign a written order of termination. The order must state:

(1) the associate judge's name and state bar identification number;
(2) each court ordering termination; and

(3) the date the associate judge's employment ends.

Sec. 54A.106. CASES THAT MAY BE REFERRED. (a) Except

provided by this section, a judge of a court may refer any civil case or portion of a civil case to an associate judge for resolution.

(b) Unless a party files a written objection to the associate judge hearing a trial on the merits, the judge may refer the trial to the associate judge. A trial on the merits is any final adjudication from which an appeal may be taken to a court of appeals.

(c) A party must file an objection to an associate judge hearing a trial on the merits or presiding at a jury trial not later than the 10th day after the date the party receives notice that the associate judge will hear the trial. If an objection is filed, the referring court shall hear the trial on the merits or preside at a jury trial.

Sec. 54A.107. METHODS OF REFERRAL. (a) A case may be referred to an associate judge by an order of referral in a specific case or by an omnibus order.

(b) The order of referral may limit the powers or duties of an associate judge.

Sec. 54A.108. POWERS. (a) Except as limited by an order of referral, an associate judge may:

- (1) conduct hearings;
- (2) hear evidence;
- (3) compel production of relevant evidence;

- (4) rule on the admissibility of evidence;
- (5) issue summons for the appearance of witnesses;
- (6)

- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence.

- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) rule on pretrial motions;

(10) Tax on preferential motions,

(11) recommend the rulings, orders, or judgment to be made in a case;

(12) regulate proceedings in a hearing;

(13) order the attachment of a witness or party who fails to obey a subpoena; and

(14) take action as necessary and proper for the efficient performance of the duties required by the order of referral.

(b) An associate judge may, in the interest of justice, refer a case back to the referring court regardless of whether a timely objection to the associate judge hearing the trial on the merits or presiding at a jury trial has been made by any party.

Sec. 54A.109. WITNESS. (a) A witness appearing before an associate judge is subject to the penalties for perjury provided by law.

(b) A referring court may fine or imprison a witness who:

(1) failed to appear before an associate judge after being summoned; or

(2) improperly refused to answer questions if the refusal has been certified to the court by the associate judge.

refusal has been certified to the court by the associate judge.
Sec. 54A.110. COURT REPORTER; RECORD. (a) A court
reporter may be provided during a hearing held by an associate judge
appointed under this subchapter. A court reporter is required to be
provided when the associate judge presides over a jury trial.

(b) A party, the associate judge, or the referring court may provide for a reporter during the hearing if one is not otherwise provided.

(c) Except as provided by Subsection (a), in the absence of a court reporter or on agreement of the parties, the record may be preserved by any means approved by the associate judge.

(d) The referring court or associate judge may assess the expense of preserving the record under Subsection (c) as costs.

(e) On appeal of the associate judge's report or proposed order, the referring court may consider testimony or other evidence in the record if the record is taken by a court reporter.

Sec. 54A.111. NOTICE OF DECISION; APPEAL. (a) After hearing a matter, an associate judge shall notify each attorney participating in the hearing of the associate judge's decision. An associate judge's decision has the same force and effect as an order of the referring court unless a party appeals the decision as provided by Subsection (b).

(b) To appeal an associate judge's decision, other than the issuance of a temporary restraining order or temporary injunction, a party must file an appeal in the referring court not later than the seventh day after the date the party receives notice of the decision under Subsection (a).

(c) A temporary restraining order issued by an associate judge is effective immediately and expires on the 15th day after the date of issuance unless, after a hearing, the order is modified or extended by the associate judge or referring judge.

(d) A temporary injunction issued by an associate judge is effective immediately and continues during the pendency of a trial unless, after a hearing, the order is modified by a referring judge.

(e) A matter appealed to the referring court shall be tried de novo and is limited to only those matters specified in the appeal. Except on leave of court, a party may not submit on appeal any additional evidence or pleadings.

Sec. 54A.112. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.
(a) Notice of the right to a de novo hearing before the referring
court shall be given to all parties.

(b) The notice may be given:

- (1) by oral statement in open court;
- (2) by posting inside or outside the courtroom of the

referring court; or
(3) as otherwise directed by the referring court.
(c) Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring

in writing or on the record.

23-1 hearing before the referring court, a proposed order or judgment of
 23-2 the associate judge is in full force and effect and is enforceable
 23-3 as an order or judgment of the referring court, except for an order
 23-4 providing for the appointment of a receiver.

23-5 (b) If a request for a de novo hearing before the referring
 23-6 court is not timely filed or the right to a de novo hearing before
 23-7 the referring court is waived, the proposed order or judgment of the
 23-8 associate judge becomes the order or judgment of the referring
 23-9 court only on the referring court's signing the proposed order or
 23-10 judgment.

23-11 (c) An order by an associate judge for the temporary
 23-12 detention or incarceration of a witness or party shall be presented
 23-13 to the referring court on the day the witness or party is detained
 23-14 or incarcerated. The referring court, without prejudice to the
 23-15 right to a de novo hearing provided by Section 54A.115, may approve
 23-16 the temporary detention or incarceration or may order the release
 23-17 of the party or witness, with or without bond, pending a de novo
 23-18 hearing. If the referring court is not immediately available, the
 23-19 associate judge may order the release of the party or witness, with
 23-20 or without bond, pending a de novo hearing or may continue the
 23-21 person's detention or incarceration for not more than 72 hours.

23-22 Sec. 54A.114. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED
 23-23 ORDER OR JUDGMENT. Unless a party files a written request for a de
 23-24 novo hearing before the referring court, the referring court may:

23-25 (1) adopt, modify, or reject the associate judge's
 23-26 proposed order or judgment;
 23-27 (2) hear additional evidence; or
 23-28 (3) recommit the matter to the associate judge for
 23-29 further proceedings.

23-30 Sec. 54A.115. DE NOVO HEARING. (a) A party may request a
 23-31 de novo hearing before the referring court by filing with the clerk
 23-32 of the referring court a written request not later than the seventh
 23-33 working day after the date the party receives notice of the
 23-34 substance of the associate judge's decision as provided by Section
 23-35 54A.111.

23-36 (b) A request for a de novo hearing under this section must
 23-37 specify the issues that will be presented to the referring court.
 23-38 The de novo hearing is limited to the specified issues.

23-39 (c) Notice of a request for a de novo hearing before the
 23-40 referring court shall be given to the opposing attorney in the
 23-41 manner provided by Rule 21a, Texas Rules of Civil Procedure.

23-42 (d) If a request for a de novo hearing before the referring
 23-43 court is filed by a party, any other party may file a request for a
 23-44 de novo hearing before the referring court not later than the
 23-45 seventh working day after the date the initial request was filed.

23-46 (e) The referring court, after notice to the parties, shall
 23-47 hold a de novo hearing not later than the 30th day after the date the
 23-48 initial request for a de novo hearing was filed with the clerk of
 23-49 the referring court.

23-50 (f) In the de novo hearing before the referring court, the
 23-51 parties may present witnesses on the issues specified in the
 23-52 request for hearing. The referring court may also consider the
 23-53 record from the hearing before the associate judge, including the
 23-54 charge to and verdict returned by a jury, if the record was taken by
 23-55 a court reporter.

23-56 (g) The denial of relief to a party after a de novo hearing
 23-57 under this section or a party's waiver of the right to a de novo
 23-58 hearing before the referring court does not affect the right of a
 23-59 party to file a motion for new trial, a motion for judgment
 23-60 notwithstanding the verdict, or other posttrial motions.

23-61 (h) A party may not demand a second jury in a de novo hearing
 23-62 before the referring court if the associate judge's proposed order
 23-63 or judgment resulted from a jury trial.

23-64 Sec. 54A.116. APPELLATE REVIEW. (a) A party's failure to
 23-65 request a de novo hearing before the referring court or a party's
 23-66 waiver of the right to request a de novo hearing before the
 23-67 referring court does not deprive the party of the right to appeal to
 23-68 or request other relief from a court of appeals or the supreme
 23-69 court.

24-1 (b) Except as provided by Subsection (c), the date an order
 24-2 or judgment by the referring court is signed is the controlling date
 24-3 for the purposes of appeal to or request for other relief from a
 24-4 court of appeals or the supreme court.

24-5 (c) The date an agreed order or a default order is signed by
 24-6 an associate judge is the controlling date for the purpose of an
 24-7 appeal to, or a request for other relief relating to the order from,
 24-8 a court of appeals or the supreme court.

24-9 Sec. 54A.117. JUDICIAL ACTION. (a) Not later than the
 24-10 30th day after the date an action is taken by an associate judge, a
 24-11 referring court may modify, correct, reject, reverse, or recommit
 24-12 for further information the action taken by the associate judge.

24-13 (b) If the court does not modify, correct, reject, reverse,
 24-14 or recommit an action to the associate judge, the action becomes the
 24-15 decree of the court.

24-16 Sec. 54A.118. JUDICIAL IMMUNITY. An associate judge
 24-17 appointed under this subchapter has the judicial immunity of a
 24-18 district judge.

24-19 SECTION 5.02. Subchapter G, Chapter 54, Government Code, is
 24-20 transferred to Chapter 54A, Government Code, as added by this Act,
 24-21 redesignated as Subchapter C, Chapter 54A, Government Code, and
 24-22 amended to read as follows:

24-23 SUBCHAPTER C [C]. STATUTORY PROBATE COURT ASSOCIATE JUDGES

24-24 Sec. 54A.201 [54.601]. DEFINITION. In this subchapter,
 24-25 "statutory probate court" has the meaning assigned by Section 3,
 24-26 Texas Probate Code.

24-27 Sec. 54A.202. APPLICABILITY. This subchapter applies to a
 24-28 statutory probate court.

24-29 Sec. 54A.203 [54.603]. APPOINTMENT. (a) After obtaining
 24-30 the approval of the commissioners court to create an associate
 24-31 judge position, the judge of a statutory probate court by order may
 24-32 appoint one or more full-time or part-time [a person to act as]
 24-33 associate judges to perform the duties authorized by this
 24-34 subchapter [judge for the statutory probate court].

24-35 (b) If a statutory probate court has jurisdiction in more
 24-36 than one county, an associate judge appointed by that court may
 24-37 serve only in a county in which the commissioners court has
 24-38 authorized the appointment.

24-39 (c) The commissioners court may authorize the appointment
 24-40 of an associate judge for each court or may authorize one or more
 24-41 associate judges to share service with two or more courts, if more
 24-42 than one statutory probate court exists in a county.

24-43 (d) [e] If an associate judge serves more than one court,
 24-44 the associate judge's appointment must be made with the unanimous
 24-45 approval of all the judges under whom the associate judge serves.

24-46 [d] An associate judge must meet the qualifications to
 24-47 serve as a judge of the court to which the associate judge is
 24-48 appointed.]

24-49 (e) An associate judge appointed under this subchapter may
 24-50 serve as an associate judge appointed under Section 574.0085,
 24-51 Health and Safety Code.

24-52 Sec. 54A.204. QUALIFICATIONS. To qualify for appointment
 24-53 as an associate judge under this subchapter, a person must:

24-54 (1) be a resident of this state and one of the counties
 24-55 the person will serve;

24-56 (2) have been licensed to practice law in this state
 24-57 for at least five years;

24-58 (3) not have been removed from office by impeachment,
 24-59 by the supreme court, by the governor on address to the legislature,
 24-60 by a tribunal reviewing a recommendation of the State Commission on
 24-61 Judicial Conduct, or by the legislature's abolition of the judge's
 24-62 court; and

24-63 (4) not have resigned from office after having
 24-64 received notice that formal proceedings by the State Commission on
 24-65 Judicial Conduct had been instituted as provided in Section 33.022
 24-66 and before final disposition of the proceedings.

24-67 Sec. 54A.205 [54.605]. COMPENSATION. (a) An associate
 24-68 judge is entitled to the compensation set by the appointing judge
 24-69 and approved by the commissioners court or commissioners courts of

25-1 the counties in which the associate judge serves. [The salary of
 25-2 the associate judge may not exceed the salary of the appointing
 25-3 judge.]

25-4 (b) If an associate judge serves in more than one county,
 25-5 the associate judge shall be paid a salary as determined by
 25-6 agreement of the commissioners courts of the counties in which the
 25-7 associate judge serves.

25-8 (c) Except as provided by Subsection (d) [~~(e)~~], the
 25-9 compensation of the associate judge shall be paid by the county from
 25-10 the county general fund. The compensation must be paid in the same
 25-11 manner that the appointing judge's salary is paid.

25-12 (d) [~~(e)~~] On the recommendation of the statutory probate
 25-13 court judges in the county and subject to the approval of the county
 25-14 commissioners court, the county may pay all or part of the
 25-15 compensation of the associate judge from the excess contributions
 25-16 remitted to the county under Section 25.00212 and deposited in the
 25-17 contributions fund created under Section 25.00213.

25-18 Sec. 54A.206 [~~54.604~~]. TERMINATION OF ASSOCIATE JUDGE.

25-19 (a) An associate judge who serves a single court serves at the will
 25-20 of the judge of that court.

25-21 (b) The employment of an associate judge who serves more
 25-22 than two courts may only be terminated by a majority vote of all the
 25-23 judges of the courts that the associate judge serves.

25-24 (c) The employment of an associate judge who serves two
 25-25 courts may be terminated by either of the judges of the courts that
 25-26 the associate judge serves.

25-27 (d) The appointment of the associate judge terminates if:

25-28 (1) the associate judge becomes a candidate for
 25-29 election to public office; or
 25-30 (2) the commissioners court does not appropriate funds
 25-31 in the county's budget to pay the salary of the associate judge.

25-32 (e) If an associate judge serves a single court and the
 25-33 appointing judge vacates the judge's office, the associate judge's
 25-34 employment continues, subject to Subsections (d) and (h), unless
 25-35 the successor appointed or elected judge terminates that
 25-36 employment.

25-37 (f) If an associate judge serves two courts and one of the
 25-38 appointing judges vacates the judge's office, the associate judge's
 25-39 employment continues, subject to Subsections (d) and (h), unless
 25-40 the successor appointed or elected judge terminates that employment
 25-41 or the judge of the other court served by the associate judge
 25-42 terminates that employment as provided by Subsection (c).

25-43 (g) If an associate judge serves more than two courts and an
 25-44 appointing judge vacates the judge's office, the associate judge's
 25-45 employment continues, subject to Subsections (d) and (h), unless:

25-46 (1) if no successor judge has been elected or
 25-47 appointed, the majority of the judges of the other courts the
 25-48 associate judge serves vote to terminate that employment; or

25-49 (2) if a successor judge has been elected or
 25-50 appointed, the majority of the judges of the courts the associate
 25-51 judge serves, including the successor judge, vote to terminate that
 25-52 employment as provided by Subsection (b).

25-53 (h) Notwithstanding the powers of an associate judge
 25-54 provided by Section 54A.209 [~~54.610~~], an associate judge whose
 25-55 employment continues as provided by Subsection (e), (f), or (g)
 25-56 after the judge of a court served by the associate judge vacates the
 25-57 judge's office may perform administrative functions with respect to
 25-58 that court, but may not perform any judicial function, including
 25-59 any power prescribed by Section 54A.209 [~~54.610~~], with respect to
 25-60 that court until a successor judge is appointed or elected.

25-61 Sec. 54A.207 [~~54.608~~]. CASES THAT MAY BE REFERRED.

25-62 (a) Except as provided by this section, a judge of a court may
 25-63 refer to an associate judge any aspect of a suit over which the
 25-64 probate court has jurisdiction, including any matter ancillary to
 25-65 the suit.

25-66 (b) Unless a party files a written objection to the
 25-67 associate judge hearing a trial on the merits, the judge may refer
 25-68 the trial to the associate judge. A trial on the merits is any final
 25-69 adjudication from which an appeal may be taken to a court of

26-1 appeals.

26-2 (c) A party must file an objection to an associate judge
 26-3 hearing a trial on the merits or presiding at a jury trial not later
 26-4 than the 10th day after the date the party receives notice that the
 26-5 associate judge will hear the trial. If an objection is filed, the
 26-6 referring court shall hear the trial on the merits or preside at a
 26-7 jury trial.

26-8 Sec. 54A.2071 [~~54.606~~]. OATH. An associate judge must take
 26-9 the constitutional oath of office required of appointed officers of
 26-10 this state.

26-11 [Sec. 54.607. MAGISTRATE. An associate judge appointed
 26-12 under this subchapter is a magistrate.]

26-13 Sec. 54A.208 [~~54.609~~]. METHODS [ORDER] OF REFERRAL. (a) A
 26-14 case may be referred to an associate judge by an order of referral
 26-15 in a specific case or by an omnibus order [~~In referring a case to an~~
 26-16 ~~associate judge, the judge of the referring court shall render:~~

26-17 [(1) ~~an individual order of referral~~; or

26-18 [(2) ~~a general order of referral~~] specifying the class
 26-19 and type of cases to be ~~referred~~ [~~heard by the associate judge~~].

26-20 (b) The order of referral may limit the power or duties of an
 26-21 associate judge.

26-22 Sec. 54A.209 [~~54.610~~]. POWERS OF ASSOCIATE JUDGE.

26-23 (a) Except as limited by an order of referral, an associate judge
 26-24 may:

26-25 (1) conduct a hearing;

26-26 (2) hear evidence;

26-27 (3) compel production of relevant evidence;

26-28 (4) rule on the admissibility of evidence;

26-29 (5) issue a summons for the appearance of witnesses;

26-30 (6) examine a witness;

26-31 (7) swear a witness for a hearing;

26-32 (8) make findings of fact on evidence;

26-33 (9) formulate conclusions of law;

26-34 (10) rule on pretrial motions;

26-35 (11) recommend the rulings, orders, or judgment [~~an~~
 26-36 ~~order~~] to be made [~~rendered~~] in a case;

26-37 (12) [~~11~~] regulate all proceedings in a hearing
 26-38 before the associate judge;

26-39 (13) [~~12~~] take action as necessary and proper for
 26-40 the efficient performance of the [~~associate judge's~~] duties
 26-41 required by the order of referral;

26-42 (14) [~~13~~] order the attachment of a witness or party
 26-43 who fails to obey a subpoena;

26-44 (15) [~~14~~] order the detention of a witness or party
 26-45 found guilty of contempt, pending approval by the referring court
 26-46 as provided by Section 54A.214 [~~54.616~~];

26-47 (16) [~~15~~] without prejudice to the right to a de novo
 26-48 hearing under Section 54A.216 [~~54.618~~], render and sign:

26-49 (A) a final order agreed to in writing as to both
 26-50 form and substance by all parties;

26-51 (B) a final default order;

26-52 (C) a temporary order;

26-53 (D) a final order in a case in which a party files
 26-54 an unrevoked waiver made in accordance with Rule 119, Texas Rules of
 26-55 Civil Procedure, that waives notice to the party of the final
 26-56 hearing or waives the party's appearance at the final hearing;

26-57 (E) an order specifying that the court clerk
 26-58 shall issue:

26-59 (i) letters testamentary or of
 26-60 administration; or

26-61 (ii) letters of guardianship; or

26-62 (F) an order for inpatient or outpatient mental
 26-63 health, mental retardation, or chemical dependency services; and

26-64 (17) [~~16~~] sign a final order that includes a waiver
 26-65 of the right to a de novo hearing in accordance with Section 54A.216
 26-66 [~~54.618~~].

26-67 (b) An associate judge may, in the interest of justice,
 26-68 refer a case back to the referring court regardless of whether a
 26-69 timely objection to the associate judge hearing the trial on the

27-1 merits or presiding at a jury trial has been made by any party.

27-2 (c) An order described by Subsection (a)(16) [~~(a)(15)~~] that
27-3 is rendered and signed by an associate judge constitutes an order of
27-4 the referring court. The judge of the referring court shall sign
27-5 the order not later than the 30th day after the date the associate
27-6 judge signs the order.

27-7 (d) An answer filed by or on behalf of a party who previously
27-8 filed a waiver described in Subsection (a)(16)(D) [~~(a)(15)(D)~~]
27-9 revokes that waiver.

27-10 Sec. 54A.2091 [~~54.611~~]. ATTENDANCE OF BAILIFF. A bailiff
27-11 shall attend a hearing conducted by an associate judge if directed
27-12 to attend by the referring court.

27-13 [Sec. 54.612. COURT REPORTER. (a) A court reporter may be
27-14 provided during a hearing held by an associate judge appointed
27-15 under this subchapter unless required by other law. A court
27-16 reporter is required to be provided when the associate judge
27-17 presides over a jury trial.]

27-18 [b) A party, the associate judge, or the referring court
27-19 may provide for a reporter during the hearing, if one is not
27-20 otherwise provided.]

27-21 [c) Except as provided by Subsection (a), in the absence of
27-22 a court reporter or on agreement of the parties, the record may be
27-23 preserved by any means approved by the referring court.]

27-24 [d) The referring court or associate judge may impose on a
27-25 party the expense of preserving the record as a court cost.]

27-26 [e) On a request for a de novo hearing, the referring court
27-27 may consider testimony or other evidence in the record, if the
27-28 record is taken by a court reporter, in addition to witnesses or
27-29 other matters presented under Section 54.618.]

27-30 Sec. 54A.210 [~~54.613~~]. WITNESS. (a) A witness appearing
27-31 before an associate judge is subject to the penalties for perjury
27-32 provided by law.

27-33 (b) A referring court may issue attachment against and may
27-34 fine or imprison a witness whose failure [who:
27-35 [1) fails] to appear [before an associate judge]
27-36 after being summoned or whose refusal to answer questions has been
27-37 certified to the court[; or
27-38 [2) improperly refuses to answer a question if the
27-39 refusal has been certified to the court by the associate judge].

27-40 Sec. 54A.211. COURT REPORTER; RECORD. (a) A court
27-41 reporter may be provided during a hearing held by an associate judge
27-42 appointed under this subchapter. A court reporter is required to be
27-43 provided when the associate judge presides over a jury trial.

27-44 (b) A party, the associate judge, or the referring court may
27-45 provide for a reporter during the hearing if one is not otherwise
27-46 provided.

27-47 (c) Except as provided by Subsection (a), in the absence of
27-48 a court reporter or on agreement of the parties, the record may be
27-49 preserved by any means approved by the associate judge.]

27-50 (d) The referring court or associate judge may assess the
27-51 expense of preserving the record as court costs.]

27-52 (e) On appeal of the associate judge's report or proposed
27-53 order, the referring court may consider testimony or other evidence
27-54 in the record if the record is taken by a court reporter.]

27-55 Sec. 54A.212 [~~54.614~~]. REPORT. (a) The associate judge's
27-56 report may contain the associate judge's findings, conclusions, or
27-57 recommendations and may be in the form of a proposed order.

27-58 (b) The associate judge shall prepare a [written] report in
27-59 the form directed by the referring court, including in the form of:
27-60 (1) a notation on the referring court's docket sheet or
27-61 in the court's jacket; or

27-62 (2) a proposed order.

27-63 (c) [b) After a hearing, the associate judge shall provide
27-64 the parties participating in the hearing notice of the substance of
27-65 the associate judge's report, including any proposed order.]

27-66 (d) [c) Notice may be given to the parties:

27-67 (1) in open court, by an oral statement, or by
27-68 providing a copy of the associate judge's written report, including
27-69 any proposed order;

28-1 (2) by certified mail, return receipt requested; or
28-2 (3) by facsimile transmission.

28-3 (e) [d] There is a rebuttable presumption that notice is
28-4 received on the date stated on:

28-5 (1) the signed return receipt, if notice was provided
28-6 by certified mail; or

28-7 (2) the confirmation page produced by the facsimile
28-8 machine, if notice was provided by facsimile transmission.

28-9 (f) [e] After a hearing conducted by an associate judge,
28-10 the associate judge shall send the associate judge's signed and
28-11 dated report, including any proposed order, and all other papers
28-12 relating to the case to the referring court.

28-13 Sec. 54A.213 [54.615]. NOTICE OF RIGHT TO DE NOVO HEARING
28-14 BEFORE REFERRING COURT. (a) An associate judge shall give all
28-15 parties notice of the right to a de novo hearing before the
28-16 referring court.

28-17 (b) The notice may be given:

28-18 (1) by oral statement in open court;
28-19 (2) by posting inside or outside the courtroom of the
28-20 referring court; or

28-21 (3) as otherwise directed by the referring court.

28-22 (c) Before the start of a hearing by an associate judge, a
28-23 party may waive the right to a de novo hearing before the referring
28-24 court in writing or on the record.

28-25 Sec. 54A.214 [54.616]. ORDER OF COURT. (a) Pending a de
28-26 novo hearing before the referring court, the decisions and
28-27 recommendations of the associate judge or a proposed order or
28-28 judgment of the associate judge has the full force and effect, and
28-29 is enforceable as, an order or judgment of the referring court,
28-30 except for an order providing for the appointment of a receiver.

28-31 (b) Except as provided by Section 54A.209(c) [54.610(c)],
28-32 if a request for a de novo hearing before the referring court is not
28-33 timely filed or the right to a de novo hearing before the referring
28-34 court is waived, the decisions and recommendations of the associate
28-35 judge or the proposed order or judgment of the associate judge
28-36 becomes the order or judgment of the referring court at the time the
28-37 judge of the referring court signs the proposed order or judgment.

28-38 (c) An order by an associate judge for the temporary
28-39 detention or incarceration of a witness or party shall be presented
28-40 to the referring court on the day the witness or party is detained
28-41 or incarcerated. The referring court, without prejudice to the
28-42 right to a de novo hearing provided by Section 54A.216, may approve
28-43 the temporary detention or incarceration or may order the release
28-44 of the party or witness, with or without bond, pending a de novo
28-45 hearing. If the referring court is not immediately available, the
28-46 associate judge may order the release of the party or witness, with
28-47 or without bond, pending a de novo hearing or may continue the
28-48 person's detention or incarceration for not more than 72 hours.

28-49 Sec. 54A.215 [54.617]. JUDICIAL ACTION ON ASSOCIATE
28-50 JUDGE'S PROPOSED ORDER OR JUDGMENT. (a) Unless a party files a
28-51 written request for a de novo hearing before the referring court,
28-52 the referring court may:

28-53 (1) adopt, modify, or reject the associate judge's
28-54 proposed order or judgment;

28-55 (2) hear further evidence; or

28-56 (3) recommit the matter to the associate judge for
28-57 further proceedings.

28-58 (b) The judge of the referring court shall sign a proposed
28-59 order or judgment the court adopts as provided by Subsection (a)(1)
28-60 not later than the 30th day after the date the associate judge
28-61 signed the order or judgment.

28-62 Sec. 54A.216 [54.618]. DE NOVO HEARING BEFORE REFERRING
28-63 COURT. (a) A party may request a de novo hearing before the
28-64 referring court by filing with the clerk of the referring court a
28-65 written request not later than the seventh working day after the
28-66 date the party receives notice of the substance of the associate
28-67 judge's report as provided by Section 54.212 [54.614].

28-68 (b) A request for a de novo hearing under this section must
28-69 specify the issues that will be presented to the referring court.

29-1 The de novo hearing is limited to the specified issues.

29-2 (c) In the de novo hearing before the referring court,
29-3 the parties may present witnesses on the issues specified in the
29-4 request for hearing. The referring court may also consider the
29-5 record from the hearing before the associate judge, including the
29-6 charge to and verdict returned by a jury, if the record was taken by
29-7 a court reporter.

29-8 (d) Notice of a request for a de novo hearing before the
29-9 referring court must be given to the opposing attorney in the manner
29-10 provided by Rule 21a, Texas Rules of Civil Procedure.

29-11 (e) If a request for a de novo hearing before the referring
29-12 court is filed by a party, any other party may file a request for a
29-13 de novo hearing before the referring court not later than the
29-14 seventh working day after the date of filing of the initial request.

29-15 (f) The referring court, after notice to the parties, shall
29-16 hold a de novo hearing not later than the 30th day after the date on
29-17 which the initial request for a de novo hearing was filed with the
29-18 clerk of the referring court, ~~unless all of the parties agree to a~~
29-19 ~~later date~~.

29-20 (g) Before the start of a hearing conducted by an associate
29-21 judge, the parties may waive the right of a de novo hearing before
29-22 the referring court. The waiver may be in writing or on the record.

29-23 (h) The denial of relief to a party after a de novo hearing
29-24 under this section or a party's waiver of the right to a de novo
29-25 hearing before the referring court does not affect the right of a
29-26 party to file a motion for new trial, motion for judgment
29-27 notwithstanding the verdict, or other post-trial motion.

29-28 (i) A party may not demand a second jury in a de novo hearing
29-29 before the referring court if the associate judge's proposed order
29-30 or judgment resulted from a jury trial.

29-31 Sec. 54A.217 ~~[54.619]~~. APPELLATE REVIEW. (a) A party's
29-32 failure to request a de novo hearing before the referring court or a
29-33 party's waiver of the right to request a de novo hearing before the
29-34 referring court does not deprive the party of the right to appeal to
29-35 or request other relief from a court of appeals or the supreme
29-36 court.

29-37 (b) Except as provided by Subsection (c), the date the judge
29-38 of a referring court signs an order or judgment is the controlling
29-39 date for the purposes of appeal to or request for other relief from
29-40 a court of appeals or the supreme court.

29-41 (c) The date an order described by Section 54A.209(a)(16)
29-42 ~~[54.610(a)(15)]~~ is signed by an associate judge is the controlling
29-43 date for the purpose of an appeal to, or a request for other relief
29-44 relating to the order from, a court of appeals or the supreme court.

29-45 Sec. 54A.218 ~~[54.620]~~. IMMUNITY. An associate judge
29-46 appointed under this subchapter has the judicial immunity of a
29-47 probate judge. All existing immunity granted an associate judge by
29-48 law, express or implied, continues in full force and effect.

29-49 SECTION 5.03. Chapter 201, Family Code, is amended by
29-50 adding Subchapter D to read as follows:

29-51 SUBCHAPTER D. ASSOCIATE JUDGE FOR JUVENILE MATTERS

29-52 Sec. 201.301. APPLICABILITY. This subchapter applies only
29-53 to an associate judge appointed under this subchapter and does not
29-54 apply to a juvenile court master appointed under Subchapter K,
29-55 Chapter 54, Government Code.

29-56 Sec. 201.302. APPOINTMENT. (a) A judge of a court that is
29-57 designated as a juvenile court may appoint a full-time or part-time
29-58 associate judge to perform the duties authorized by this chapter if
29-59 the commissioners court of a county in which the court has
29-60 jurisdiction has authorized creation of an associate judge
29-61 position.

29-62 (b) If a court has jurisdiction in more than one county, an
29-63 associate judge appointed by that court may serve only in a county
29-64 in which the commissioners court has authorized the appointment.

29-65 (c) If more than one court in a county has been designated as
29-66 a juvenile court, the commissioners court may authorize the
29-67 appointment of an associate judge for each court or may authorize
29-68 one or more associate judges to share service with two or more
29-69 courts.

30-1 (d) If an associate judge serves more than one court, the
 30-2 associate judge's appointment must be made by a vote of two-thirds
 30-3 of the judges under whom the associate judge serves.

30-4 Sec. 201.303. QUALIFICATIONS. To qualify for appointment
 30-5 as an associate judge under this subchapter, a person must:

30-6 (1) be a resident of this state and one of the counties
 30-7 the person will serve;

30-8 (2) have been licensed to practice law in this state
 30-9 for at least four years;

30-10 (3) not have been removed from office by impeachment,
 30-11 by the supreme court, by the governor on address to the legislature,
 30-12 by a tribunal reviewing a recommendation of the State Commission on
 30-13 Judicial Conduct, or by the legislature's abolition of the judge's
 30-14 court; and

30-15 (4) not have resigned from office after having
 30-16 received notice that formal proceedings by the State Commission on
 30-17 Judicial Conduct had been instituted as provided in Section 33.022,
 30-18 Government Code, and before final disposition of the proceedings.

30-19 Sec. 201.304. COMPENSATION. (a) An associate judge shall
 30-20 be paid a salary determined by the commissioners court of the county
 30-21 in which the associate judge serves.

30-22 (b) If an associate judge serves in more than one county,
 30-23 the associate judge shall be paid a salary as determined by
 30-24 agreement of the commissioners courts of the counties in which the
 30-25 associate judge serves.

30-26 (c) The associate judge's salary is paid from the county
 30-27 fund available for payment of officers' salaries.

30-28 Sec. 201.305. TERMINATION. (a) An associate judge who
 30-29 serves a single court serves at the will of the judge of that court.

30-30 (b) The employment of an associate judge who serves more
 30-31 than two courts may only be terminated by a majority vote of all the
 30-32 judges of the courts which the associate judge serves.

30-33 (c) The employment of an associate judge who serves two
 30-34 courts may be terminated by either of the judges of the courts which
 30-35 the associate judge serves.

30-36 (d) To terminate an associate judge's employment, the
 30-37 appropriate judges must sign a written order of termination. The
 30-38 order must state:

30-39 (1) the associate judge's name and state bar
 30-40 identification number;

30-41 (2) each court ordering termination; and

30-42 (3) the date the associate judge's employment ends.

30-43 Sec. 201.306. CASES THAT MAY BE REFERRED. (a) Except as
 30-44 provided by this section, a judge of a juvenile court may refer to
 30-45 an associate judge any aspect of a juvenile matter brought:

30-46 (1) under this title or Title 3; or

30-47 (2) in connection with Rule 308a, Texas Rules of Civil
 30-48 Procedure.

30-49 (b) Unless a party files a written objection to the
 30-50 associate judge hearing a trial on the merits, the judge may refer
 30-51 the trial to the associate judge. A trial on the merits is any final
 30-52 adjudication from which an appeal may be taken to a court of
 30-53 appeals.

30-54 (c) A party must file an objection to an associate judge
 30-55 hearing a trial on the merits or presiding at a jury trial not later
 30-56 than the 10th day after the date the party receives notice that the
 30-57 associate judge will hear the trial. If an objection is filed, the
 30-58 referring court shall hear the trial on the merits or preside at a
 30-59 jury trial.

30-60 (d) The requirements of Subsections (b) and (c) apply when a
 30-61 judge has authority to refer the trial of a suit under this title,
 30-62 Title 1, or Title 4 to an associate judge, master, or other
 30-63 assistant judge regardless of whether the assistant judge is
 30-64 appointed under this subchapter.

30-65 Sec. 201.307. METHODS OF REFERRAL. (a) A case may be
 30-66 referred to an associate judge by an order of referral in a specific
 30-67 case or by an omnibus order.

30-68 (b) The order of referral may limit the power or duties of an
 30-69 associate judge.

31-1 Sec. 201.308. POWERS OF ASSOCIATE JUDGE. (a) Except as
 31-2 limited by an order of referral, an associate judge may:

- 31-3 (1) conduct a hearing;
- 31-4 (2) hear evidence;
- 31-5 (3) compel production of relevant evidence;
- 31-6 (4) rule on the admissibility of evidence;
- 31-7 (5) issue a summons for:
 - 31-8 (A) the appearance of witnesses; and
 - 31-9 (B) the appearance of a parent who has failed to
- 31-10 appear before an agency authorized to conduct an investigation of
- 31-11 an allegation of abuse or neglect of a child after receiving proper
- 31-12 notice;
- 31-13 (6) examine a witness;
- 31-14 (7) swear a witness for a hearing;
- 31-15 (8) make findings of fact on evidence;
- 31-16 (9) formulate conclusions of law;
- 31-17 (10) recommend an order to be rendered in a case;
- 31-18 (11) regulate proceedings in a hearing;
- 31-19 (12) order the attachment of a witness or party who
- 31-20 fails to obey a subpoena;
- 31-21 (13) order the detention of a witness or party found
- 31-22 guilty of contempt, pending approval by the referring court; and
- 31-23 (14) take action as necessary and proper for the
- 31-24 efficient performance of the associate judge's duties.

31-25 (b) An associate judge may, in the interest of justice,
 31-26 refer a case back to the referring court regardless of whether a
 31-27 timely objection to the associate judge hearing the trial on the
 31-28 merits or presiding at a jury trial has been made by any party.

31-29 Sec. 201.309. REFEREES. (a) An associate judge appointed
 31-30 under this subchapter may serve as a referee as provided by Sections
 31-31 51.04(g) and 54.10.

31-32 (b) A referee appointed under Section 51.04(g) may be
 31-33 appointed to serve as an associate judge under this subchapter.

31-34 Sec. 201.310. ATTENDANCE OF BAILIFF. A bailiff may attend a
 31-35 hearing by an associate judge if directed by the referring court.

31-36 Sec. 201.311. WITNESS. (a) A witness appearing before an
 31-37 associate judge is subject to the penalties for perjury provided by
 31-38 law.

31-39 (b) A referring court may fine or imprison a witness who:
 31-40 (1) failed to appear before an associate judge after
 31-41 being summoned; or

31-42 (2) improperly refused to answer questions if the

31-43 refusal has been certified to the court by the associate judge.

31-44 Sec. 201.312. COURT REPORTER; RECORD. (a) A court
 31-45 reporter may be provided during a hearing held by an associate judge
 31-46 appointed under this subchapter. A court reporter is required to be
 31-47 provided when the associate judge presides over a jury trial or a
 31-48 contested final termination hearing.

31-49 (b) A party, the associate judge, or the referring court may
 31-50 provide for a reporter during the hearing if one is not otherwise
 31-51 provided.

31-52 (c) Except as provided by Subsection (a), in the absence of
 31-53 a court reporter or on agreement of the parties, the record may be
 31-54 preserved by any means approved by the associate judge.

31-55 (d) The referring court or associate judge may assess the
 31-56 expense of preserving the record as costs.

31-57 (e) On a request for a de novo hearing, the referring court
 31-58 may consider testimony or other evidence in the record, if the
 31-59 record is taken by a court reporter, in addition to witnesses or
 31-60 other matters presented under Section 201.317.

31-61 Sec. 201.313. REPORT. (a) The associate judge's report
 31-62 may contain the associate judge's findings, conclusions, or
 31-63 recommendations and may be in the form of a proposed order. The
 31-64 associate judge's report must be in writing and in the form directed
 31-65 by the referring court.

31-66 (b) After a hearing, the associate judge shall provide the
 31-67 parties participating in the hearing notice of the substance of the
 31-68 associate judge's report, including any proposed order.

31-69 (c) Notice may be given to the parties:

(1) in open court, by an oral statement or by providing a copy of the associate judge's written report, including any proposed order;

(2) by certified mail, return receipt requested; or
(3) by facsimile.

(d) A rebuttable presumption exists that notice is received on the date stated on:

(1) the signed return receipt, if notice was provided by certified mail; or

(2) the confirmation page produced by the facsimile machine, if notice was provided by facsimile.

(e) After a hearing conducted by an associate judge, the associate judge shall send the associate judge's signed and dated report, including any proposed order, and all other papers relating to the case to the referring court.

Sec. 201.314. NOTICE OF RIGHT TO DE NOVO HEARING; WAIVER.

(a) An associate judge shall give all parties notice of the right to a de novo hearing to the judge of the referring court.

(b) The notice may be given:

- (1) by oral statement in open court;
- (2) by posting inside or outside the courtroom of the referring court; or
- (3) as otherwise directed by the referring court.

(c) Before the start of a hearing by an associate judge, a party may waive the right of a de novo hearing before the referring court in writing or on the record.

(b) If a request for a de novo hearing before the referring court is not timely filed or the right to a de novo hearing before the referring court is waived, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) An order by an associate judge for the temporary detention or incarceration of a witness or party shall be presented to the referring court on the day the witness or party is detained or incarcerated. The referring court, without prejudice to the right to a de novo hearing provided by Section 201.317, may approve the temporary detention or incarceration or may order the release of the party or witness, with or without bond, pending a de novo hearing. If the referring court is not immediately available, the associate judge may order the release of the party or witness, with or without bond, pending a de novo hearing or may continue the person's detention or incarceration for not more than 72 hours.

Sec. 201.316. JUDICIAL ACTION ON ASSOCIATE JUDGE'S PROPOSED ORDER OR JUDGMENT. Unless a party files a written request for a de novo hearing before the referring court, the referring court may:

(1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear additional evidence; or

(3) recommit the matter to the associate judge for further proceedings.

Sec. 201.317. DE NOVO HEARING. (a) A party may request a de novo hearing before the referring court by filing with the clerk of the referring court a written request not later than the seventh working day after the date the party receives notice of the substance of the associate judge's report as provided by Section 201.313.

201.313.
(b) A request for a de novo hearing under this section must specify the issues that will be presented to the referring court. The de novo hearing is limited to the specified issues.

(c) Notice of a request for a de novo hearing before the referring court shall be given to the opposing attorney in the manner provided by Rule 21a, Texas Rules of Civil Procedure.

(d) If a request for a de novo hearing before the referring

33-1 court is filed by a party, any other party may file a request for a
 33-2 de novo hearing before the referring court not later than the
 33-3 seventh working day after the date the initial request was filed.

33-4 (e) The referring court, after notice to the parties, shall
 33-5 hold a de novo hearing not later than the 30th day after the date the
 33-6 initial request for a de novo hearing was filed with the clerk of
 33-7 the referring court.

33-8 (f) In the de novo hearing before the referring court, the
 33-9 parties may present witnesses on the issues specified in the
 33-10 request for hearing. The referring court may also consider the
 33-11 record from the hearing before the associate judge, including the
 33-12 charge to and verdict returned by a jury, if the record was taken by
 33-13 a court reporter.

33-14 (g) The denial of relief to a party after a de novo hearing
 33-15 under this section or a party's waiver of the right to a de novo
 33-16 hearing before the referring court does not affect the right of a
 33-17 party to file a motion for new trial, a motion for judgment
 33-18 notwithstanding the verdict, or other posttrial motions.

33-19 (h) A party may not demand a second jury in a de novo hearing
 33-20 before the referring court if the associate judge's proposed order
 33-21 or judgment resulted from a jury trial.

33-22 Sec. 201.318. APPELLATE REVIEW. (a) A party's failure to
 33-23 request a de novo hearing before the referring court or a party's
 33-24 waiver of the right to request a de novo hearing before the
 33-25 referring court does not deprive the party of the right to appeal to
 33-26 or request other relief from a court of appeals or the supreme
 33-27 court.

33-28 (b) Except as provided by Subsection (c), the date an order
 33-29 or judgment by the referring court is signed is the controlling date
 33-30 for the purposes of appeal to or request for other relief from a
 33-31 court of appeals or the supreme court.

33-32 (c) The date an agreed order or a default order is signed by
 33-33 an associate judge is the controlling date for the purpose of an
 33-34 appeal to, or a request for other relief relating to the order from,
 33-35 a court of appeals or the supreme court.

33-36 Sec. 201.319. JUDICIAL IMMUNITY. An associate judge
 33-37 appointed under this subchapter has the judicial immunity of a
 33-38 district judge.

33-39 Sec. 201.320. VISITING ASSOCIATE JUDGE. (a) If an
 33-40 associate judge appointed under this subchapter is temporarily
 33-41 unable to perform the judge's official duties because of absence or
 33-42 illness, injury, or other disability, a judge of a court having
 33-43 jurisdiction of a suit under this title or Title 1 or 4 may appoint a
 33-44 visiting associate judge to perform the duties of the associate
 33-45 judge during the period of the associate judge's absence or
 33-46 disability if the commissioners court of a county in which the court
 33-47 has jurisdiction authorizes the employment of a visiting associate
 33-48 judge.

33-49 (b) To be eligible for appointment under this section, a
 33-50 person must have served as an associate judge for at least two
 33-51 years.

33-52 (c) Sections 201.001 through 201.017 apply to a visiting
 33-53 associate judge appointed under this section.

33-54 SECTION 5.04. Subsection (b), Section 22.110, Government
 33-55 Code, is amended to read as follows:

33-56 (b) The court of criminal appeals shall adopt the rules
 33-57 necessary to accomplish the purposes of this section. The rules
 33-58 must require each district judge, judge of a statutory county
 33-59 court, associate judge appointed under Chapter 54A [54] of this
 33-60 code or Chapter 201, Family Code, master, referee, and magistrate
 33-61 to complete at least 12 hours of the training within the judge's
 33-62 first term of office or the judicial officer's first four years of
 33-63 service and provide a method for certification of completion of
 33-64 that training. At least four hours of the training must be
 33-65 dedicated to issues related to child abuse and neglect and must
 33-66 cover at least two of the topics described in Subsections
 33-67 (d)(8)-(12). At least six hours of the training must be dedicated
 33-68 to the training described by Subsections (d)(5), (6), and (7). The
 33-69 rules must require each judge and judicial officer to complete an

34-1 additional five hours of training during each additional term in
 34-2 office or four years of service. At least two hours of the
 34-3 additional training must be dedicated to issues related to child
 34-4 abuse and neglect. The rules must exempt from the training
 34-5 requirement of this subsection each judge or judicial officer who
 34-6 files an affidavit stating that the judge or judicial officer does
 34-7 not hear any cases involving family violence, sexual assault, or
 34-8 child abuse and neglect.

34-9 SECTION 5.05. (a) Section 101.0611, Government Code, is
 34-10 amended to read as follows:

34-11 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
 34-12 CODE. The clerk of a district court shall collect fees and costs
 34-13 under the Government Code as follows:

34-14 (1) appellate judicial system filing fees for:
 34-15 (A) First or Fourteenth Court of Appeals District
 34-16 (Sec. 22.2021, Government Code) . . . not more than \$5;
 34-17 (B) Second Court of Appeals District
 34-18 (Sec. 22.2031, Government Code) . . . not more than \$5;
 34-19 (C) Third Court of Appeals District
 34-20 (Sec. 22.2041, Government Code) . . . \$5;
 34-21 (D) Fourth Court of Appeals District
 34-22 (Sec. 22.2051, Government Code) . . . not more than \$5;
 34-23 (E) Fifth Court of Appeals District
 34-24 (Sec. 22.2061, Government Code) . . . not more than \$5;
 34-25 (E-1) Sixth Court of Appeals District (Sec.
 34-26 22.2071, Government Code) . . . \$5;
 34-27 (E-2) Seventh Court of Appeals District (Sec.
 34-28 22.2081, Government Code) . . . \$5;

34-29 (F) Ninth Court of Appeals District
 34-30 (Sec. 22.2101, Government Code) . . . \$5;
 34-31 (G) Eleventh Court of Appeals District
 34-32 (Sec. 22.2121, Government Code) . . . \$5;
 34-33 (G-1) Twelfth Court of Appeals District (Sec.
 34-34 22.2131, Government Code) . . . \$5; and

34-35 (H) Thirteenth Court of Appeals District
 34-36 (Sec. 22.2141, Government Code) . . . not more than \$5;

34-37 (2) when administering a case for the Rockwall County
 34-38 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
 34-39 court costs as if the case had been filed in district court;

34-40 (3) additional filing fees:
 34-41 (A) for each suit filed for insurance contingency
 34-42 fund, if authorized by the county commissioners court (Sec. 51.302,
 34-43 Government Code) . . . not to exceed \$5;

34-44 (B) to fund the improvement of Dallas County
 34-45 civil court facilities, if authorized by the county commissioners
 34-46 court (Sec. 51.705, Government Code) . . . not more than \$15;

34-47 (B-1) to fund the improvement of Bexar County
 34-48 court facilities, if authorized by the county commissioners court
 34-49 (Sec. 51.706, Government Code) . . . not more than \$15; [and]

34-50 (C) to fund the improvement of Hays County court
 34-51 facilities, if authorized by the county commissioners court
 34-52 (Sec. 51.707, Government Code) . . . not more than \$15; and

34-53 (D) to fund the preservation of court records
 34-54 (Sec. 51.708, Government Code) . . . not more than \$10;

34-55 (4) for filing a suit, including an appeal from an
 34-56 inferior court:

34-57 (A) for a suit with 10 or fewer plaintiffs
 34-58 (Sec. 51.317, Government Code) . . . \$50;

34-59 (B) for a suit with at least 11 but not more than
 34-60 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

34-61 (C) for a suit with at least 26 but not more than
 34-62 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

34-63 (D) for a suit with at least 101 but not more than
 34-64 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

34-65 (E) for a suit with at least 501 but not more than
 34-66 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

34-67 (F) for a suit with more than 1,000 plaintiffs
 34-68 (Sec. 51.317, Government Code) . . . \$200;

34-69 (5) for filing a cross-action, counterclaim,

35-1 intervention, contempt action, motion for new trial, or third-party
 35-2 petition (Sec. 51.317, Government Code) . . . \$15;

35-3 (6) for issuing a citation or other writ or process not
 35-4 otherwise provided for, including one copy, when requested at the
 35-5 time a suit or action is filed (Sec. 51.317, Government Code) . . .
 35-6 \$8;

35-7 (7) for records management and preservation
 35-8 (Sec. 51.317, Government Code) . . . \$10;

35-9 (7-a) for district court records archiving, if adopted
 35-10 by the county commissioners court (Sec. 51.317(b)(5), Government
 35-11 Code) . . . not more than \$5;

35-12 (8) for issuing a subpoena, including one copy
 35-13 (Sec. 51.318, Government Code) . . . \$8;

35-14 (9) for issuing a citation, commission for deposition,
 35-15 writ of execution, order of sale, writ of execution and order of
 35-16 sale, writ of injunction, writ of garnishment, writ of attachment,
 35-17 or writ of sequestration not provided for in Section 51.317, or any
 35-18 other writ or process not otherwise provided for, including one
 35-19 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

35-20 (10) for searching files or records to locate a cause
 35-21 when the docket number is not provided (Sec. 51.318, Government
 35-22 Code) . . . \$5;

35-23 (11) for searching files or records to ascertain the
 35-24 existence of an instrument or record in the district clerk's office
 35-25 (Sec. 51.318, Government Code) . . . \$5;

35-26 (12) for abstracting a judgment (Sec. 51.318,
 35-27 Government Code) . . . \$8;

35-28 (13) for approving a bond (Sec. 51.318, Government
 35-29 Code) . . . \$4;

35-30 (14) for a certified copy of a record, judgment,
 35-31 order, pleading, or paper on file or of record in the district
 35-32 clerk's office, including certificate and seal, for each page or
 35-33 part of a page (Sec. 51.318, Government Code) . . . \$1;

35-34 (15) for a noncertified copy, for each page or part of
 35-35 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

35-36 (16) fee for performing a service:

35-37 (A) related to the matter of the estate of a
 35-38 deceased person (Sec. 51.319, Government Code) . . . the same fee
 35-39 allowed the county clerk for those services;

35-40 (B) related to the matter of a minor
 35-41 (Sec. 51.319, Government Code) . . . the same fee allowed the
 35-42 county clerk for the service;

35-43 (C) of serving process by certified or registered
 35-44 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
 35-45 constable is authorized to charge for the service under Section
 35-46 118.131, Local Government Code; and

35-47 (D) prescribed or authorized by law but for which
 35-48 no fee is set (Sec. 51.319, Government Code) . . . a reasonable
 35-49 fee;

35-50 (17) jury fee (Sec. 51.604, Government Code) . . .
 35-51 \$30; and

35-52 (18) additional filing fee for family protection on
 35-53 filing a suit for dissolution of a marriage under Chapter 6, Family
 35-54 Code (Sec. 51.961, Government Code) . . . not to exceed \$15[+
 35-55 [(19) at a hearing held by an associate judge in Dallas
 35-56 County, a court cost to preserve the record, in the absence of a
 35-57 court reporter, by other means (Sec. 54.509, Government Code) . . .
 35-58 as assessed by the referring court or associate judge; and
 35-59 [(20) at a hearing held by an associate judge in Duval
 35-60 County, a court cost to preserve the record (Sec. 54.1151,
 35-61 Government Code) . . . as imposed by the referring court or
 35-62 associate judge].

35-63 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,
 35-64 101.06116, and 101.06117, Government Code, are repealed.

35-65 SECTION 5.06. Section 602.002, Government Code, is amended
 35-66 to read as follows:

35-67 Sec. 602.002. OATH MADE IN TEXAS. An oath made in this
 35-68 state may be administered and a certificate of the fact given by:
 35-69 (1) a judge, retired judge, or clerk of a municipal

36-1 court;

36-2 (2) a judge, retired judge, senior judge, clerk, or
36-3 commissioner of a court of record;

36-4 (3) a justice of the peace or a clerk of a justice
36-5 court;

36-6 (4) an associate judge, magistrate, master, referee,
36-7 or criminal law hearing officer;

36-8 (5) a notary public;

36-9 (6) ~~(5)~~ a member of a board or commission created by
36-10 a law of this state, in a matter pertaining to a duty of the board or
36-11 commission;

36-12 (7) ~~(6)~~ a person employed by the Texas Ethics
36-13 Commission who has a duty related to a report required by Title 15,
36-14 Election Code, in a matter pertaining to that duty;

36-15 (8) ~~(7)~~ a county tax assessor-collector or an
36-16 employee of the county tax assessor-collector if the oath relates
36-17 to a document that is required or authorized to be filed in the
36-18 office of the county tax assessor-collector;

36-19 (9) ~~(8)~~ the secretary of state or a former secretary
36-20 of state;

36-21 (10) ~~(9)~~ an employee of a personal bond office, or
36-22 an employee of a county, who is employed to obtain information
36-23 required to be obtained under oath if the oath is required or
36-24 authorized by Article 17.04 or by Article 26.04(n) or (o), Code of
36-25 Criminal Procedure;

36-26 (11) ~~(10)~~ the lieutenant governor or a former
36-27 lieutenant governor;

36-28 (12) ~~(11)~~ the speaker of the house of
36-29 representatives or a former speaker of the house of
36-30 representatives;

36-31 (13) ~~(12)~~ the governor or a former governor;

36-32 (14) ~~(13)~~ a legislator or retired legislator;

36-33 (15) ~~(14)~~ the attorney general or a former attorney
36-34 general;

36-35 (16) ~~(15)~~ the secretary or clerk of a municipality
36-36 in a matter pertaining to the official business of the
36-37 municipality; or

36-38 (17) ~~(16)~~ a peace officer described by Article 2.12,
36-39 Code of Criminal Procedure, if:
36-40 (A) the oath is administered when the officer is
36-41 engaged in the performance of the officer's duties; and
36-42 (B) the administration of the oath relates to the
36-43 officer's duties.

36-44 SECTION 5.07. Article 2.09, Code of Criminal Procedure, is
36-45 amended to read as follows:

36-46 Art. 2.09. WHO ARE MAGISTRATES. Each of the following
36-47 officers is a magistrate within the meaning of this Code: The
36-48 justices of the Supreme Court, the judges of the Court of Criminal
36-49 Appeals, the justices of the Courts of Appeals, the judges of the
36-50 District Court, the magistrates appointed by the judges of the
36-51 district courts of Bexar County, Dallas County, or Tarrant County
36-52 that give preference to criminal cases, the criminal law hearing
36-53 officers for Harris County appointed under Subchapter L, Chapter
36-54 54, Government Code, the criminal law hearing officers for Cameron
36-55 County appointed under Subchapter BB, Chapter 54, Government Code,
36-56 the magistrates or associate judges appointed by the judges of the
36-57 district courts of Lubbock County, Nolan County, or Webb County,
36-58 the magistrates appointed by the judges of the criminal district
36-59 courts of Dallas County or Tarrant County, the associate judges
36-60 ~~masters~~ appointed by the judges of the district courts and the
36-61 county courts at law that give preference to criminal cases in
36-62 Jefferson County, the associate judges ~~magistrates~~ appointed by
36-63 the judges of the district courts and the statutory county courts of
36-64 Brazos County, Nueces County, or Williamson County, the magistrates
36-65 appointed by the judges of the district courts and statutory county
36-66 courts that give preference to criminal cases in Travis County, the
36-67 criminal magistrates appointed by the Brazoria County
36-68 Commissioners Court, the county judges, the judges of the county
36-69 courts at law, judges of the county criminal courts, the judges of

37-1 statutory probate courts, the associate judges appointed by the
 37-2 judges of the statutory probate courts under ~~Subchapter C,~~
 37-3 Chapter 54A [54], Government Code, the associate judges appointed
 37-4 by the judge of a district court under ~~Chapter 54A [Subchapter II,~~
 37-5 ~~Chapter 54],~~ Government Code, the justices of the peace, and the
 37-6 mayors and recorders and the judges of the municipal courts of
 37-7 incorporated cities or towns.

37-8 SECTION 5.08. Subsection (d), Article 102.017, Code of
 37-9 Criminal Procedure, is amended to read as follows:

37-10 (d) Except as provided by Subsection (d-2), the clerks of
 37-11 the respective courts shall collect the costs and pay them to the
 37-12 county or municipal treasurer, as appropriate, or to any other
 37-13 official who discharges the duties commonly delegated to the county
 37-14 or municipal treasurer, as appropriate, for deposit in a fund to be
 37-15 known as the courthouse security fund or a fund to be known as the
 37-16 municipal court building security fund, as appropriate. Money
 37-17 deposited in a courthouse security fund may be used only for
 37-18 security personnel, services, and items related to buildings that
 37-19 house the operations of district, county, or justice courts, and
 37-20 money deposited in a municipal court building security fund may be
 37-21 used only for security personnel, services, and items related to
 37-22 buildings that house the operations of municipal courts. For
 37-23 purposes of this subsection, operations of a district, county, or
 37-24 justice court include the activities of associate judges, masters,
 37-25 magistrates, referees, hearing officers, criminal law magistrate
 37-26 court judges, and masters in chancery appointed under:

- 37-27 (1) Section 61.311, Alcoholic Beverage Code;
- 37-28 (2) Section 51.04(g) or Chapter 201, Family Code;
- 37-29 (3) Section 574.0085, Health and Safety Code;
- 37-30 (4) Section 33.71, Tax Code;
- 37-31 (5) Chapter 54A [~~Chapter 54~~], Government Code; or
- 37-32 (6) Rule 171, Texas Rules of Civil Procedure.

37-33 SECTION 5.09. Subsection (a), Section 54.10, Family Code,
 37-34 is amended to read as follows:

37-35 (a) Except as provided by Subsection (e), a hearing under
 37-36 Section 54.03, 54.04, or 54.05, including a jury trial, a hearing
 37-37 under Chapter 55, including a jury trial, or a hearing under the
 37-38 Interstate Compact for Juveniles (Chapter 60) may be held by a
 37-39 referee appointed in accordance with Section 51.04(g) or an
 37-40 associate judge [~~a master~~] appointed under Chapter 54A [54],
 37-41 Government Code, provided:

37-42 (1) the parties have been informed by the referee or
 37-43 master that they are entitled to have the hearing before the
 37-44 juvenile court judge; and

37-45 (2) after each party is given an opportunity to
 37-46 object, no party objects to holding the hearing before the referee
 37-47 or master.

37-48 SECTION 5.10. A magistrate, master, referee, associate
 37-49 judge, or hearing officer appointed as provided by Chapter 54,
 37-50 Government Code, before the effective date of this Act, continues
 37-51 to serve as an associate judge under Chapter 54A, Government Code,
 37-52 as added by this article, with the powers and duties provided by
 37-53 that chapter, provided the court for which the magistrate, master,
 37-54 referee, associate judge, or hearing officer serves has authority
 37-55 to appoint an associate judge under Chapter 54A, Government Code.

37-56 SECTION 5.11. The changes in law made by this article apply
 37-57 to a matter referred to an associate judge on or after the effective
 37-58 date of this article. A matter referred to an associate judge
 37-59 before the effective date of this article is governed by the law in
 37-60 effect on the date the matter was referred to the associate judge,
 37-61 and the former law is continued in effect for that purpose.

37-62 SECTION 5.12. The following subchapters of Chapter 54,
 37-63 Government Code, are repealed:

- 37-64 (1) Subchapter A;
- 37-65 (2) Subchapter B;
- 37-66 (3) Subchapter C;
- 37-67 (4) Subchapter E;
- 37-68 (5) Subchapter F;
- 37-69 (6) Subchapter I;

- (7) Subchapter O;
- (8) Subchapter P;
- (9) Subchapter S;
- (10) Subchapter T;
- (11) Subchapter U;
- (12) Subchapter V;
- (13) Subchapter W;
- (14) Subchapter X;
- (15) Subchapter CC;
- (16) Subchapter FF; and
- (17) Subchapter II.

ARTICLE 6. COURT ADMINISTRATION

SECTION 6.01. Section 74.005, Government Code, is amended to read as follows:

Sec. 74.005. APPOINTMENT OF [REGIONAL] PRESIDING JUDGES OF
ADMINISTRATIVE JUDICIAL REGIONS. (a) The governor, with the
advice and consent of the senate, shall appoint one judge in each
administrative judicial region as presiding judge of the region.

(b) On the death, resignation, removal, or expiration of the term of office of a presiding judge, the governor immediately shall appoint or reappoint a presiding judge.

SECTION 6.02. Section 74.050, Government Code, is amended to read as follows:

Sec. 74.050. SUPPORT STAFF [ADMINISTRATIVE ASSISTANT].
(a) The presiding judge may employ, directly or through a contract with another governmental entity, a full-time or part-time administrative assistant and a full-time or part-time staff attorney.

(b) An administrative assistant [must have the qualifications established by rule of the supreme court.]

~~[(c) An administrative assistant]~~ shall aid the presiding judge in carrying out the judge's duties under this chapter. The administrative assistant shall:

(1) perform the duties that are required by the presiding judge and by the rules of administration;

(2) conduct correspondence for the presiding judge;
(3) under the direction of the presiding judge, make an annual report of the activities of the administrative region and special reports as provided by the rules of administration to the supreme court, which shall be made in the manner directed by the supreme court; and

(4) attend to other matters that are prescribed by the council of judges.

(c) ~~(d)~~ An administrative assistant, with the approval of the presiding judge, may purchase the necessary office equipment, stamps, stationery, and supplies and employ additional personnel as authorized by the presiding judge.

(d) [(e)] An administrative assistant or staff attorney is entitled to receive the compensation from the state provided by the General Appropriations Act, from county funds, or from any public or private grant.

(e) A staff attorney may provide assistance to a district judge for a specific case at the direction of the judicial committee for additional resources.

(f) The office of court administration shall assist the presiding judges in:

(1) monitoring the compliance of staff attorneys with any job performance standards, uniform practices adopted by the presiding judges, and federal and state laws and policies;

(2) addressing the training needs and resource

requirements of the staff attorneys;
(3) conducting annual performance evaluations for the
staff attorneys based on written personnel performance standards
adopted by the presiding judges; and

(4) receiving, investigating, and resolving complaints about particular staff attorneys based on a uniform process adopted by the presiding judges.

(g) Adequate quarters for a staff attorney hired as provided by this section shall be provided in a courthouse of the

39-1 administrative judicial region, with the consent of the
 39-2 commissioners court of the county in which the courthouse is
 39-3 located.

39-4 SECTION 6.03. Subsection (c), Section 74.093, Government
 39-5 Code, is amended to read as follows:

39-6 (c) The rules may provide for:

39-7 (1) the selection and authority of a presiding judge
 39-8 of the courts giving preference to a specified class of cases, such
 39-9 as civil, criminal, juvenile, or family law cases;

39-10 (2) other strategies for managing cases that require
 39-11 special judicial attention;

39-12 (3) [42] a coordinated response for the transaction
 39-13 of essential judicial functions in the event of a disaster; and

39-14 (4) [43] any other matter necessary to carry out this
 39-15 chapter or to improve the administration and management of the
 39-16 court system and its auxiliary services.

39-17 SECTION 6.04. Chapter 74, Government Code, is amended by
 39-18 adding Subchapter J to read as follows:

39-19 SUBCHAPTER J. ADDITIONAL RESOURCES FOR CERTAIN CASES

39-20 Sec. 74.251. APPLICABILITY OF SUBCHAPTER. This subchapter
 39-21 does not apply to:

39-22 (1) a criminal matter;

39-23 (2) a case in which judicial review is sought under

39-24 Subchapter G, Chapter 2001; or

39-25 (3) a case that has been transferred by the judicial
 39-26 panel on multidistrict litigation to a district court for
 39-27 consolidated or coordinated pretrial proceedings under Subchapter
 39-28 H.

39-29 Sec. 74.252. RULES TO GUIDE DETERMINATION OF WHETHER CASE
 39-30 REQUIRES ADDITIONAL RESOURCES. (a) The supreme court shall adopt
 39-31 rules under which courts, presiding judges of the administrative
 39-32 judicial regions, and the judicial committee for additional
 39-33 resources may determine whether a case requires additional
 39-34 resources to ensure efficient judicial management of the case.

39-35 (b) In developing the rules, the supreme court shall include
 39-36 considerations regarding whether a case involves or is likely to
 39-37 involve:

39-38 (1) a large number of parties who are separately
 39-39 represented by counsel;

39-40 (2) coordination with related actions pending in one
 39-41 or more courts in other counties of this state or in one or more
 39-42 United States district courts;

39-43 (3) numerous pretrial motions that present difficult
 39-44 or novel legal issues that will be time-consuming to resolve;

39-45 (4) a large number of witnesses or substantial
 39-46 documentary evidence;

39-47 (5) substantial postjudgment supervision;

39-48 (6) a trial that will last more than four weeks; and

39-49 (7) a substantial additional burden on the trial
 39-50 court's docket and the resources available to the trial court to
 39-51 hear the case.

39-52 Sec. 74.253. JUDICIAL DETERMINATION. (a) On the motion of
 39-53 a party in a case, or on the court's own motion, the judge of the
 39-54 court in which the case is pending shall review the case and
 39-55 determine whether, under rules adopted by the supreme court under
 39-56 Section 74.252, the case will require additional resources to
 39-57 ensure efficient judicial management. The judge is not required to
 39-58 conduct an evidentiary hearing for purposes of making the
 39-59 determination but may, in the judge's discretion, direct the
 39-60 attorneys for the parties to the case and the parties to appear
 39-61 before the judge for a conference to provide information to assist
 39-62 the judge in making the determination.

39-63 (b) On determining that a case will require additional
 39-64 resources as provided by Subsection (a), the judge shall:

39-65 (1) notify the presiding judge of the administrative
 39-66 judicial region in which the court is located about the case; and

39-67 (2) request any specific additional resources that are
 39-68 needed, including the assignment of a judge under this chapter.

39-69 (c) If the presiding judge of the administrative judicial

40-1 region agrees that, in accordance with the rules adopted by the
 40-2 supreme court under Section 74.252, the case will require
 40-3 additional resources to ensure efficient judicial management, the
 40-4 presiding judge shall:

40-5 (1) use resources previously allotted to the presiding
 40-6 judge; or

40-7 (2) submit a request for specific additional resources
 40-8 to the judicial committee for additional resources.

40-9 Sec. 74.254. JUDICIAL COMMITTEE FOR ADDITIONAL RESOURCES.

40-10 (a) The judicial committee for additional resources is composed
 40-11 of:

40-12 (1) the chief justice of the supreme court; and
 40-13 (2) the nine presiding judges of the administrative
 40-14 judicial regions.

40-15 (b) The chief justice of the supreme court serves as
 40-16 presiding officer. The office of court administration shall
 40-17 provide staff support to the committee.

40-18 (c) On receipt of a request for additional resources from a
 40-19 presiding judge of an administrative judicial region under Section
 40-20 74.253, the committee shall determine whether the case that is the
 40-21 subject of the request requires additional resources in accordance
 40-22 with the rules adopted under Section 74.252. If the committee
 40-23 determines that the case does require additional resources, the
 40-24 committee shall make available the resources requested by the trial
 40-25 judge to the extent funds are available for those resources under
 40-26 the General Appropriations Act and to the extent the committee
 40-27 determines the requested resources are appropriate to the
 40-28 circumstances of the case.

40-29 (d) Subject to Subsections (c) and (f), additional
 40-30 resources the committee may make available under this section
 40-31 include:

40-32 (1) the assignment of an active or retired judge under
 40-33 this chapter, subject to the consent of the judge of the court in
 40-34 which the case for which the resources are provided is pending;

40-35 (2) additional legal, administrative, or clerical
 40-36 personnel;

40-37 (3) information and communication technology,
 40-38 including case management software, video teleconferencing, and
 40-39 specially designed courtroom presentation hardware or software to
 40-40 facilitate presentation of the evidence to the trier of fact;

40-41 (4) specialized continuing legal education;

40-42 (5) an associate judge;

40-43 (6) special accommodations or furnishings for the
 40-44 parties;

40-45 (7) other services or items determined necessary to
 40-46 try the case; and

40-47 (8) any other resources the committee considers
 40-48 appropriate.

40-49 (e) Notwithstanding any provision of Subchapter C, a
 40-50 justice or judge to whom Section 74.053(d) applies may not be
 40-51 assigned under Subsection (d).

40-52 (f) The judicial committee for additional resources may not
 40-53 provide additional resources under this subchapter in an amount
 40-54 that is more than the amount appropriated for this purpose.

40-55 Sec. 74.255. COST OF ADDITIONAL RESOURCES. The cost of
 40-56 additional resources provided for a case under this subchapter
 40-57 shall be paid by the state and may not be taxed against any party in
 40-58 the case for which the resources are provided or against the county
 40-59 in which the case is pending.

40-60 Sec. 74.256. NO STAY OR CONTINUANCE PENDING DETERMINATION.
 40-61 The filing of a motion under Section 74.253 in a case is not grounds
 40-62 for a stay or continuance of the proceedings in the case in the
 40-63 court in which the case is pending during the period the motion or
 40-64 request is being considered by:

40-65 (1) the judge of that court;

40-66 (2) the presiding judge of the administrative judicial
 40-67 region; or

40-68 (3) the judicial committee for additional resources.

40-69 Sec. 74.257. APPELLATE REVIEW. A determination made by a

41-1 trial court judge, the presiding judge of an administrative
 41-2 judicial region, or the judicial committee for additional resources
 41-3 under this subchapter is not appealable or subject to review by
 41-4 mandamus.

41-5 SECTION 6.05. (a) The Texas Supreme Court shall request
 41-6 the president of the State Bar of Texas to appoint a task force to
 41-7 consider and make recommendations regarding the rules for
 41-8 determining whether civil cases pending in trial courts require
 41-9 additional resources for efficient judicial management required by
 41-10 Section 74.252, Government Code, as added by this Act. The
 41-11 president of the State Bar of Texas shall ensure that the task force
 41-12 has diverse representation and includes judges of trial courts and
 41-13 attorneys licensed to practice law in this state who regularly
 41-14 appear in civil cases before courts in this state. The task force
 41-15 shall provide recommendations on the rules to the Texas Supreme
 41-16 Court not later than November 1, 2011.

41-17 (b) The Texas Supreme Court shall:

41-18 (1) consider the recommendations of the task force
 41-19 provided as required by Subsection (a) of this section; and
 41-20 (2) adopt the rules required by Section 74.252,
 41-21 Government Code, as added by this Act, not later than January 1,
 41-22 2012.

41-23 SECTION 6.06. The changes in law made by this article apply
 41-24 to cases pending on or after January 1, 2012.

41-25 ARTICLE 7. GRANT PROGRAMS

41-26 SECTION 7.01. Subchapter C, Chapter 72, Government Code, is
 41-27 amended by adding Section 72.029 to read as follows:

41-28 Sec. 72.029. GRANTS FOR COURT SYSTEM ENHANCEMENTS.

41-29 (a) The office shall develop and administer, except as provided by
 41-30 Subsection (c), a program to provide grants from available funds to
 41-31 counties for initiatives that will enhance their court systems or
 41-32 otherwise carry out the purposes of this chapter.

41-33 (b) To be eligible for a grant under this section, a county
 41-34 must:

41-35 (1) use the grant money to implement initiatives that
 41-36 will enhance the county's court system, including grants to develop
 41-37 programs to more efficiently manage cases that require special
 41-38 judicial attention, or otherwise carry out the purposes of this
 41-39 chapter; and

41-40 (2) apply for the grant in accordance with procedures
 41-41 developed by the office and comply with any other requirements of
 41-42 the office.

41-43 (c) The judicial committee for additional resources shall
 41-44 determine whether to award a grant to a county that meets the
 41-45 eligibility requirements prescribed by Subsection (b).

41-46 (d) If the judicial committee for additional resources
 41-47 awards a grant to a county, the office shall:

41-48 (1) direct the comptroller to distribute the grant
 41-49 money to the county; and

41-50 (2) monitor the county's use of the grant money.

41-51 SECTION 7.02. Subchapter A, Chapter 22, Government Code, is
 41-52 amended by adding Section 22.017 to read as follows:

41-53 Sec. 22.017. GRANTS FOR CHILD PROTECTION. (a) In this
 41-54 section, "commission" means the Permanent Judicial Commission for
 41-55 Children, Youth and Families established by the supreme court.

41-56 (b) The commission shall develop and administer a program to
 41-57 provide grants from available funds for initiatives that will
 41-58 improve safety and permanency outcomes, enhance due process, or
 41-59 increase the timeliness of resolution in child protection cases.

41-60 (c) To be eligible for a grant under this section, a
 41-61 prospective recipient must:

41-62 (1) use the grant money to improve safety or
 41-63 permanency outcomes, enhance due process, or increase timeliness of
 41-64 resolution in child protection cases; and

41-65 (2) apply for the grant in accordance with procedures
 41-66 developed by the commission and comply with any other requirements
 41-67 of the supreme court.

41-68 (d) If the commission awards a grant, the commission shall:

41-69 (1) direct the comptroller to distribute the grant

42-1 money; and

42-2 (2) monitor the use of the grant money.

42-3 ARTICLE 8. STUDY BY OFFICE OF COURT ADMINISTRATION OF TEXAS
42-4 JUDICIAL SYSTEM

42-5 SECTION 8.01. In this article, "office of court
42-6 administration" means the Office of Court Administration of the
42-7 Texas Judicial System.

42-8 SECTION 8.02. (a) The office of court administration shall
42-9 study the district courts and statutory county courts of this state
42-10 to determine overlapping jurisdiction in civil cases in which the
42-11 amount in controversy is more than \$200,000. The study must
42-12 determine the feasibility, efficiency, and potential cost of
42-13 converting to district courts those statutory county courts with
42-14 jurisdiction in civil cases in which the amount in controversy is
42-15 more than \$200,000.

42-16 (b) Not later than September 1, 2012, the office of court
42-17 administration shall submit a report regarding the determinations
42-18 made by the office relating to statutory county courts to the
42-19 governor, the lieutenant governor, the speaker of the house of
42-20 representatives, the chairs of the standing committees of the
42-21 senate and house of representatives with primary jurisdiction over
42-22 the judicial system, and the commissioners court of any county with
42-23 a statutory county court with jurisdiction in civil cases in which
42-24 the amount in controversy is more than \$200,000.

42-25 ARTICLE 9. NO APPROPRIATION; EFFECTIVE DATE

42-26 SECTION 9.01. This Act does not make an appropriation. A
42-27 provision in this Act that creates a new governmental program,
42-28 creates a new entitlement, or imposes a new duty on a governmental
42-29 entity is not mandatory during a fiscal period for which the
42-30 legislature has not made a specific appropriation to implement the
42-31 provision.

42-32 SECTION 9.02. This Act takes effect September 1, 2011.

42-33 * * * * *