

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/2013

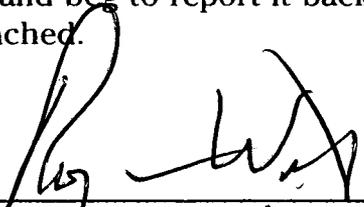
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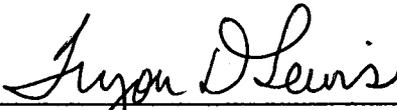
Honorable David Dewhurst
President of the Senate

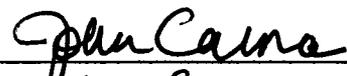
Honorable Joe Straus
Speaker of the House of Representatives

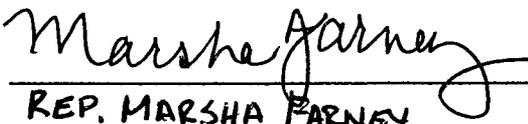
Sirs:

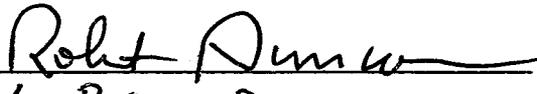
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 3153 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

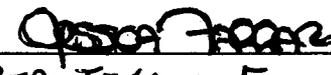

SEN. RON WEST, CHAIR

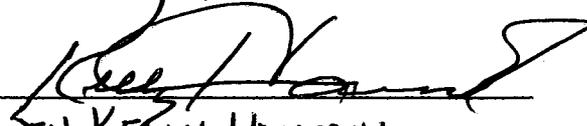

REP. BYRON LEWIS, CHAIR

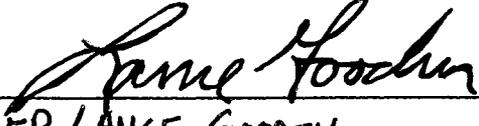

SEN. JOHN CARONA

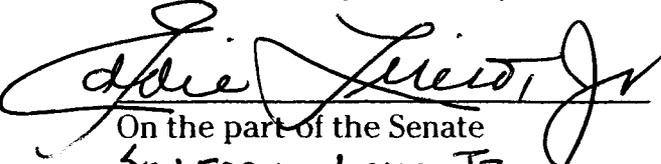

REP. MARSHA FARNEY

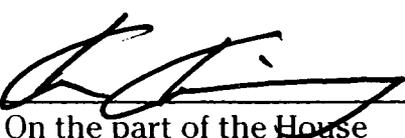

SEN. ROBERT DUNCAN


REP. JESSICA FARRAR


SEN. KELLY HANCOCK


REP. LANCE GOODEN


On the part of the Senate
SEN. EDDIE LULIO, JR.


On the part of the House
REP. KEN KING

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 3153

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation and administration of, and practice in
3 courts in, the judicial branch of state government and the
4 composition of certain juvenile boards; imposing a fee.

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

6 ARTICLE 1. DISTRICT COURTS, DISTRICT ATTORNEYS, AND CERTAIN
7 JUVENILE BOARDS

8 SECTION 1.01. (a) Section 24.113, Government Code, is
9 amended to read as follows:

10 Sec. 24.113. 12TH JUDICIAL DISTRICT (GRIMES, [~~LEON,~~
11 MADISON, AND WALKER COUNTIES). [~~(a)~~] The 12th Judicial District is
12 composed of Grimes, [~~Leon,~~] Madison, and Walker counties.

13 [~~(b) The terms of the 12th District Court in each county of
14 the district begin on the first Mondays in January and July.]~~

15 (b) Section 24.514, Government Code, is amended to read as
16 follows:

17 Sec. 24.514. 369TH JUDICIAL DISTRICT (ANDERSON, AND
18 CHEROKEE, AND LEON COUNTIES). The 369th Judicial District is
19 composed of Anderson, and Cherokee, and Leon counties.

20 (c) Section 43.106, Government Code, is redesignated as
21 Section 43.1815, Government Code, and amended to read as follows:

22 Sec. 43.1815 [~~43.106~~]. 369TH [~~12TH~~] JUDICIAL DISTRICT. (a)
23 The voters of Leon County elect a district attorney for the 369th
24 [~~12th~~] Judicial District who represents the state in that district

1 court only in Leon County.

2 (b) The district attorney of the 369th [~~12th~~] Judicial
3 District also represents the state in all criminal and civil
4 actions in which the state is interested that arise in the 87th
5 Judicial District in Leon County.

6 (c) The district attorney may, with the consent of the
7 Commissioners Court of Leon County, appoint a deputy district
8 attorney.

9 (d) The Commissioners Court of Leon County shall pay the
10 salary and traveling expenses of the deputy district attorney from
11 the officers' salary fund. The salary shall be paid in equal monthly
12 installments and expense claims shall be paid at the end of each
13 month. The salary is subject to participation fully in the Texas
14 County and District Retirement System.

15 (d) Section 152.1511(a), Human Resources Code, as amended
16 by Chapters 531 (H.B. 956), 1152 (H.B. 3045), and 1352 (S.B. 1189),
17 Acts of the 79th Legislature, Regular Session, 2005, is reenacted
18 to read as follows:

19 (a) The juvenile board of Leon County is composed of the
20 county judge and the district judges in Leon County.

21 (e) The local administrative district judge shall transfer
22 all cases from Leon County that are pending in the 12th District
23 Court on September 1, 2013, to the 369th District Court.

24 (f) When a case is transferred as provided by Subsection (e)
25 of this section, all processes, writs, bonds, recognizances, or
26 other obligations issued from the 12th District Court are
27 returnable to the 369th District Court as if originally issued by

1 that court. The obligees on all bonds and recognizances taken in
2 and for the 12th District Court and all witnesses summoned to appear
3 in the 12th District Court are required to appear before the 369th
4 District Court as if originally required to appear before that
5 court.

6 (g) The person serving as district attorney for the 12th
7 Judicial District on September 1, 2013, unless otherwise removed
8 from office, continues to serve in that office as redesignated as
9 the district attorney for the 369th Judicial District for the term
10 to which elected or appointed.

11 SECTION 1.02. (a) Effective January 1, 2014, Section
12 24.254, Government Code, is amended to read as follows:

13 Sec. 24.254. 155TH JUDICIAL DISTRICT (AUSTIN AND[~~7~~]
14 FAYETTE[~~7~~, AND WALLER] COUNTIES). (a) The 155th Judicial District is
15 composed of Austin and[~~7~~] Fayette[~~7~~, and Waller] counties.

16 (b) [~~The terms of the 155th District Court begin:~~
17 [~~(1) in Austin County on the first Mondays in April and~~
18 ~~November;~~
19 [~~(2) in Fayette County on the first Mondays in~~
20 ~~February and September;~~ and
21 [~~(3) in Waller County on the first Mondays in January~~
22 ~~and June.~~

23 [~~(c)~~] The sheriff of each county or the sheriff's deputy
24 shall attend the court as required by law or by the judge.

25 (b) The local administrative district judge shall transfer
26 to the 506th District Court all cases from Waller County that are
27 pending in the 155th District Court on January 1, 2014.

1 (c) When a case is transferred as provided by Subsection (b)
2 of this section:

3 (1) all processes, writs, bonds, recognizances, or
4 other obligations issued from the 155th District Court are
5 returnable to the 506th District Court as if originally issued by
6 that court; and

7 (2) the obligees on all bonds and recognizances taken
8 in and for the 155th District Court and all witnesses summoned to
9 appear in the 155th District Court are required to appear before the
10 506th District Court as if originally required to appear before
11 that court.

12 SECTION 1.03. (a) Section 24.275, Government Code, is
13 amended to read as follows:

14 Sec. 24.275. 216TH JUDICIAL DISTRICT ([~~BANDERA,~~
15 GILLESPIE, KENDALL, AND KERR COUNTIES). [~~(a)~~] The 216th Judicial
16 District is composed of [~~Bandera,~~] Gillespie, Kendall, and Kerr
17 counties.

18 [~~(b) The terms of the 216th District Court begin:~~

19 [~~(1) in Bandera County on the first Mondays in~~
20 ~~February and September;~~

21 [~~(2) in Gillespie County on the second Mondays in~~
22 ~~April and November;~~

23 [~~(3) in Kendall County on the fourth Mondays in~~
24 ~~February and September; and~~

25 [~~(4) in Kerr County on the first Mondays in January and~~
26 ~~June.]~~

27 (b) Section 24.377, Government Code, is amended to read as

1 follows:

2 Sec. 24.377. 198TH JUDICIAL DISTRICT (BANDERA AND
3 ~~[EDWARDS,] KERR [KIMBLE, MCCULLOCH, MASON, AND MENARD]~~ COUNTIES).

4 (a) The 198th Judicial District is composed of Bandera and
5 ~~[Edwards,] Kerr Counties~~~~[Kimble, McCulloch, Mason, and Menard~~
6 ~~counties]~~.

7 (b) The judge of the 198th District Court may select jury
8 commissioners and impanel grand juries in each county. The judge of
9 the 198th District Court may alternate the drawing of grand juries
10 with the judge of any other district court in each county within the
11 judge's ~~[his]~~ district and may order grand and petit juries to be
12 drawn for any term of the judge's ~~[his]~~ court as in the judge's ~~[his]~~
13 judgment is necessary, by an order entered in the minutes of the
14 court. Indictments within each county may be returned to either
15 court within that county.

16 (c) In addition to the requirements under Article 59.06,
17 Code of Criminal Procedure, the district attorney for the 198th
18 Judicial District may use proceeds from the sale of forfeited
19 property, after the deduction of amounts described by Article
20 59.06(a), Code of Criminal Procedure, for the official purposes of
21 the office of the district attorney only on the approval of:

22 (1) the commissioners court of each county in the
23 judicial district; or

24 (2) a regional review committee composed of three
25 members who are a county judge, a county attorney, a county
26 commissioner or a county sheriff, each appointed by the member of
27 the house of representatives of this state who represents the

1 [~~largest number of~~] counties in the judicial district.

2 (c) Subchapter C, Chapter 24, Government Code, is amended by
3 adding Section 24.596 to read as follows:

4 Sec. 24.596. 452ND JUDICIAL DISTRICT (EDWARDS, KIMBLE,
5 MCCULLOCH, MASON, AND MENARD COUNTIES). (a) The 452nd Judicial
6 District is composed of Edwards, Kimble, McCulloch, Mason, and
7 Menard Counties.

8 (b) The judge of the 452nd District Court may select jury
9 commissioners and impanel grand juries in each county. The judge of
10 the 452nd District Court may order grand and petit juries to be
11 drawn for any term of the judge's court as in the judge's judgment is
12 necessary, by an order entered in the minutes of the court.

13 (d) Subchapter B, Chapter 43, Government Code, is amended by
14 adding Section 43.184 to read as follows:

15 Sec. 43.184. 452ND JUDICIAL DISTRICT. The voters of the
16 452nd Judicial District elect a district attorney who represents
17 the state in all matters before that district court.

18 (e) Sections 74.042(g) and (h), Government Code, are
19 amended to read as follows:

20 (g) The Sixth Administrative Judicial Region is composed of
21 the counties of Bandera, Brewster, Crockett, Culberson, Edwards, El
22 Paso, Gillespie, Hudspeth, Jeff Davis, Kendall, Kerr, Kimble,
23 Kinney, Mason, McCulloch, Medina, Menard, Pecos, Presidio, Reagan,
24 Real, Sutton, Terrell, Upton, Uvalde, and Val Verde.

25 (h) The Seventh Administrative Judicial Region is composed
26 of the counties of Andrews, Borden, Brown, Callahan, Coke, Coleman,
27 Concho, Crane, Dawson, Ector, Fisher, Gaines, Garza, Glasscock,

1 Haskell, Howard, Irion, Jones, Kent, Loving, Lynn, Martin,
2 [~~McCulloch, Menard,~~] Midland, Mills, Mitchell, Nolan, Reeves,
3 Runnels, Schleicher, Scurry, Shackelford, Sterling, Stonewall,
4 Taylor, Throckmorton, Tom Green, Ward, and Winkler.

5 (f) The local administrative district judge shall transfer
6 to the 198th District Court all cases from Bandera County that are
7 pending in the 216th District Court on the effective date of this
8 Act.

9 (g) When a case is transferred as provided by Subsection (f)
10 of this section:

11 (1) all processes, writs, bonds, recognizances, or
12 other obligations issued from the 216th District Court are
13 returnable to the 198th District Court as if originally issued by
14 that court; and

15 (2) the obligees on all bonds and recognizances taken
16 in and for the 216th District Court and all witnesses summoned to
17 appear in the 216th District Court are required to appear before the
18 198th District Court as if originally required to appear before
19 that court.

20 (h) The local administrative district judge shall transfer
21 to the 452nd District Court all cases from Edwards, Kimble,
22 McCulloch, Mason, and Menard Counties that are pending in the 198th
23 District Court on the effective date of this Act.

24 (i) When a case is transferred as provided by Subsection (h)
25 of this section:

26 (1) all processes, writs, bonds, recognizances, or
27 other obligations issued from the 198th District Court are

1 returnable to the 452nd District Court as if originally issued by
2 that court; and

3 (2) the obligees on all bonds and recognizances taken
4 in and for the 198th District Court and all witnesses summoned to
5 appear in the 198th District Court are required to appear before the
6 452nd District Court as if originally required to appear before
7 that court.

8 (j) The 452nd Judicial District is created on the effective
9 date of this Act.

10 SECTION 1.04. (a) Effective January 1, 2015, Subchapter C,
11 Chapter 24, Government Code, is amended by adding Section 24.586 to
12 read as follows:

13 Sec. 24.586. 442ND JUDICIAL DISTRICT (DENTON COUNTY). The
14 442nd Judicial District is composed of Denton County.

15 (b) The 442nd Judicial District is created on January 1,
16 2015.

17 SECTION 1.05. (a) Effective September 1, 2014, Subchapter
18 C, Chapter 24, Government Code, is amended by adding Section 24.587
19 to read as follows:

20 Sec. 24.587. 443RD JUDICIAL DISTRICT (ELLIS COUNTY). The
21 443rd Judicial District is composed of Ellis County.

22 (b) The 443rd Judicial District is created on September 1,
23 2014.

24 SECTION 1.06. (a) Effective September 1, 2015, Subchapter
25 C, Chapter 24, Government Code, is amended by adding Section 24.594
26 to read as follows:

27 Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)

1 The 450th Judicial District is composed of Travis County.

2 (b) The 450th District Court shall give preference to
3 criminal matters.

4 (b) The 450th Judicial District is created on September 1,
5 2015.

6 SECTION 1.07. Section 46.002, Government Code, is amended
7 to read as follows:

8 Sec. 46.002. PROSECUTORS SUBJECT TO CHAPTER. This chapter
9 applies to the state prosecuting attorney, all county prosecutors,
10 and the following state prosecutors:

11 (1) the district attorneys for Kenedy and Kleberg
12 Counties and for the 1st, 2nd, 8th, 9th, [~~12th,~~] 18th, 21st, 23rd,
13 25th, 26th, 27th, 29th, 31st, 32nd, 33rd, 34th, 35th, 36th, 38th,
14 39th, 42nd, 43rd, 46th, 47th, 49th, 50th, 51st, 52nd, 53rd, 63rd,
15 64th, 66th, 69th, 70th, 76th, 81st, 83rd, 84th, 85th, 88th, 90th,
16 97th, 100th, 105th, 106th, 109th, 110th, 112th, 118th, 119th,
17 123rd, 142nd, 143rd, 145th, 156th, 159th, 173rd, 196th, 198th,
18 216th, 220th, 229th, 235th, 253rd, 258th, 259th, 266th, 268th,
19 271st, 286th, 329th, 344th, 349th, 355th, 369th, 452nd, and 506th
20 judicial districts;

21 (2) the criminal district attorneys for the counties
22 of Anderson, Austin, Bastrop, Bexar, Bowie, Brazoria, Caldwell,
23 Calhoun, Cass, Collin, Comal, Dallas, Deaf Smith, Denton, Eastland,
24 Fannin, Galveston, Grayson, Gregg, Harrison, Hays, Hidalgo,
25 Jasper, Jefferson, Kaufman, Lubbock, McLennan, Madison, Navarro,
26 Newton, Panola, Polk, Randall, Rockwall, San Jacinto, Smith,
27 Tarrant, Taylor, Tyler, Upshur, Van Zandt, Victoria, Walker,

1 Waller, Wichita, Wood, and Yoakum; and

2 (3) the county attorneys performing the duties of
3 district attorneys in the counties of Andrews, Callahan, Cameron,
4 Castro, Colorado, Crosby, Ellis, Falls, Freestone, Lamar, Lamb,
5 Lampasas, Lee, Limestone, Marion, Milam, Morris, Ochiltree,
6 Orange, Rains, Red River, Robertson, Rusk, Swisher, Terry, Webb,
7 and Willacy.

8 ARTICLE 2. STATUTORY COUNTY COURTS AND COURT COSTS AND FEES..

9 SECTION 2.01. (a) Subchapter C, Chapter 25, Government
10 Code, is amended by adding Sections 25.0091 and 25.0092 to read as
11 follows:

12 Sec. 25.0091. ATASCOSA COUNTY. Atascosa County has one
13 statutory county court, the County Court at Law of Atascosa County.

14 Sec. 25.0092. ATASCOSA COUNTY COURT AT LAW PROVISIONS. (a)
15 In addition to the jurisdiction provided by Section 25.0003 and
16 other law, and except as limited by Subsection (b), a county court
17 at law in Atascosa County has concurrent jurisdiction with the
18 district court in:

19 (1) Class A and Class B misdemeanor cases;

20 (2) family law matters;

21 (3) juvenile matters;

22 (4) probate matters; and

23 (5) appeals from the justice and municipal courts.

24 (b) A county court at law does not have general supervisory
25 control or appellate review of the commissioners court or
26 jurisdiction of:

27 (1) suits on behalf of this state to recover penalties

1 or escheated property;

2 (2) misdemeanors involving official misconduct; or

3 (3) contested elections.

4 (c) The judge of a county court at law must have the same
5 qualifications as those required by law for a district judge.

6 (d) The judge of a county court at law shall be paid a total
7 annual salary set by the commissioners court at an amount that is
8 not less than \$1,000 less than the total annual salary received by a
9 district judge in the county. A district judge's or statutory
10 county court judge's total annual salary does not include
11 contributions and supplements paid by a county.

12 (e) The district clerk serves as clerk of a county court at
13 law in matters of concurrent jurisdiction with the district court,
14 except that the county clerk serves as clerk of the court in Class A
15 and Class B misdemeanor cases and probate matters. The county clerk
16 shall serve as clerk of a county court at law in all other matters.
17 Each clerk shall establish a separate docket for a county court at
18 law.

19 (f) The official court reporter of a county court at law is
20 entitled to receive a salary set by the judge of the county court at
21 law with the approval of the commissioners court.

22 (g) Jurors summoned for a county court at law or a district
23 court in the county may by order of the judge of the court to which
24 they are summoned be transferred to another court for service and
25 may be used as if summoned for the court to which they are
26 transferred.

27 (b) Notwithstanding Section 25.0091, Government Code, as

1 added by this Act, the County Court at Law of Atascosa County is
2 created January 1, 2014, or on an earlier date determined by the
3 Commissioners Court of Atascosa County by an order entered in its
4 minutes.

5 SECTION 2.02. (a) Effective January 1, 2015, Section
6 25.1042, Government Code, is amended by adding Subsections (a),
7 (b), (c), (d), and (f) to read as follows:

8 (a) In addition to the jurisdiction provided by Section
9 25.0003 and other law, a county court at law in Harrison County has
10 concurrent jurisdiction with the district court, on assignment of a
11 district judge presiding in Harrison County, in family law cases
12 and proceedings.

13 (b) Assignment and transfer of cases under Subsection (a) is
14 at the discretion of the judge of the district court making the
15 assignment. Assignment or transfer from a county court at law to a
16 district court is governed by Section 74.121(b)(1).

17 (c) The district clerk serves as clerk of a county court at
18 law in cases assigned under Subsection (a), and the county clerk
19 serves as clerk of the court in all other cases.

20 (d) A party to a case assigned under Subsection (a) may
21 request a jury of 12 persons if the party makes the request not
22 later than the 30th day before the trial date. A party who does not
23 make a timely request under this subsection waives the right to
24 request a 12-person jury and the case will proceed with a six-person
25 jury.

26 (f) In matters of concurrent jurisdiction, a district judge
27 presiding in Harrison County may transfer cases from the district

1 court to a county court at law in Harrison County in the same manner
2 judges of district courts transfer cases under Section 24.003.

3 (b) The changes in law made by this section apply to an
4 action filed on or after the effective date of this Act or pending
5 on the effective date of this Act.

6 SECTION 2.03. (a) Effective January 1, 2015, Subchapter C,
7 Chapter 25, Government Code, is amended by adding Sections 25.1271
8 and 25.1272 to read as follows:

9 Sec. 25.1271. JIM WELLS COUNTY. Jim Wells County has one
10 statutory county court, the County Court at Law of Jim Wells County.

11 Sec. 25.1272. JIM WELLS COUNTY COURT AT LAW PROVISIONS. (a)
12 In addition to the jurisdiction provided by Section 25.0003 and
13 other law, a county court at law in Jim Wells County has the
14 jurisdiction provided by this section.

15 (b) A county court at law in Jim Wells County has concurrent
16 jurisdiction with the district court in:

17 (1) civil cases in which the matter in controversy
18 exceeds \$500 but does not exceed \$200,000, excluding interest;

19 (2) family law cases and proceedings;

20 (3) Class A and Class B misdemeanors;

21 (4) juvenile cases; and

22 (5) appeals from justice and municipal courts.

23 (c) A county court at law does not have jurisdiction of:

24 (1) suits on behalf of this state to recover penalties
25 or escheated property;

26 (2) felony cases;

27 (3) misdemeanors involving official misconduct; or

1 (4) contested elections.

2 (d) The judge of a county court at law must have the same
3 qualifications as those required by law for a district judge.

4 (e) The judge of a county court at law shall be paid a total
5 annual salary set by the commissioners court at an amount that is
6 not less than \$1,000 less than the total annual salary received by a
7 district judge in the county. A district judge's or statutory
8 county court judge's total annual salary does not include
9 contributions and supplements paid by a county.

10 (f) The district clerk serves as clerk of a county court at
11 law in matters of concurrent jurisdiction with the district court,
12 except that the county clerk serves as clerk of the court in Class A
13 and Class B misdemeanor cases. The county clerk shall serve as
14 clerk of a county court at law in all other matters. Each clerk
15 shall establish a separate docket for a county court at law.

16 (g) Jurors summoned for a county court at law or a district
17 court in the county may by order of the judge of the court to which
18 they are summoned be transferred to another court for service and
19 may be used as if summoned for the court to which they are
20 transferred.

21 (h) If a jury trial is requested in a case that is in a
22 county court at law's jurisdiction, the jury shall be composed of
23 six members unless the constitution requires a 12-member jury.
24 Failure to object before a six-member jury is seated and sworn
25 constitutes a waiver of a 12-member jury.

26 (b) Notwithstanding Section 25.0009, Government Code, the
27 initial vacancy in the office of judge of the County Court at Law of

1 Jim Wells County shall be filled by election. The office exists for
2 purposes of the primary and general elections in 2014. A vacancy
3 after the initial vacancy is filled as provided by Section 25.0009,
4 Government Code.

5 (c) The County Court at Law of Jim Wells County is created on
6 January 1, 2015.

7 SECTION 2.04. (a) Section 25.1412, Government Code, is
8 amended by amending Subsections (a) and (f) and adding Subsections
9 (l), (m), (n), (o), and (p) to read as follows:

10 (a) In addition to the jurisdiction provided by Section
11 25.0003 and other law, a county court at law in Lamar County has:

12 (1) concurrent jurisdiction with the district court
13 in:

14 (A) probate matters and proceedings, including
15 will contests;

16 (B) family law cases and proceedings, including
17 juvenile cases; ~~and~~

18 (C) felony cases to conduct arraignments and
19 pretrial hearings and to accept guilty pleas; and

20 (D) civil cases in which the amount in
21 controversy does not exceed \$200,000, excluding interest; and

22 (2) concurrent jurisdiction with the county and
23 district courts over all suits arising under the Family Code.

24 (f) The district clerk serves as clerk of a county court at
25 law in matters of concurrent jurisdiction with the district court,
26 other than probate matters and proceedings. The ~~and the~~ county
27 clerk serves as clerk of the court in all other matters. Each clerk

1 shall establish a separate docket for a county court at law.

2 (l) The fees assessed in a case in which a county court at
3 law has concurrent civil jurisdiction with the district court are
4 the same as the fees that would be assessed in the district court
5 for that case.

6 (m) In matters of concurrent jurisdiction, a judge of the
7 county court at law and a judge of a district court may transfer
8 cases between the courts in the same manner judges of district
9 courts transfer cases under Section 24.003.

10 (n) The judge of a county court at law and a judge of a
11 district court may exchange benches and may sit and act for each
12 other in any matter pending before either court.

13 (o) The laws governing the drawing, selection, service, and
14 pay of jurors for county courts apply to a county court at
15 law. Jurors regularly impaneled for a week by the district court
16 may, on request of the judge of a county court at law, be made
17 available and shall serve for the week in a county court at law.

18 (p) Except as otherwise provided by this subsection, a jury
19 in a county court at law shall be composed of six members unless the
20 constitution requires a 12-member jury. Failure to object before a
21 six-member jury is seated and sworn constitutes a waiver of a
22 12-member jury. In matters in which the constitution does not
23 require a 12-member jury and the county court at law has concurrent
24 jurisdiction with the district court, the jury may be composed of 12
25 members if a party to the suit requests a 12-member jury and the
26 judge of the court consents. In a civil case tried in a county
27 court at law, the parties may, by mutual agreement and with the

1 consent of the judge, agree to try the case with any number of
2 jurors and have a verdict rendered and returned by the vote of any
3 number of those jurors that is less than the total number of jurors.

4 (b) Section 25.1412, Government Code, as amended by this
5 Act, applies only to an action filed in the county court at law in
6 Lamar County on or after the effective date of this Act. An action
7 filed in the county court at law in Lamar County before the
8 effective date of this Act is governed by the law in effect on the
9 date the action was filed, and the former law is continued in effect
10 for that purpose.

11 SECTION 2.05. Section 25.1772(a), Government Code, is
12 amended to read as follows:

13 (a) In addition to the jurisdiction provided by Section
14 25.0003 and other law, and except as limited by Subsection (b), a
15 county court at law in Navarro County has concurrent jurisdiction
16 with the district court in:

- 17 (1) felony cases to:
- 18 (A) conduct arraignments;
 - 19 (B) conduct pretrial hearings;
 - 20 (C) accept guilty pleas; and
 - 21 (D) conduct jury trials on assignment of a
22 district judge presiding in Navarro County and acceptance of the
23 assignment by the judge of the county court at law;
- 24 (2) Class A and Class B misdemeanor cases;
- 25 (3) family law matters;
- 26 (4) juvenile matters;
- 27 (5) probate matters; ~~and~~

1 (6) disputes ancillary to probate, eminent domain,
2 condemnation, or landlord and tenant matters relating to the
3 adjudication and determination of land titles and trusts, whether
4 testamentary, inter vivos, constructive, resulting, or any other
5 class or type of trust, regardless of the amount in controversy or
6 the remedy sought; and

7 (7) appeals from the justice and municipal courts.

8 SECTION 2.06. (a) Effective September 1, 2015, Section
9 25.2291(a), Government Code, is amended to read as follows:

10 (a) Travis County has the following statutory county
11 courts:

- 12 (1) County Court at Law No. 1 of Travis County, Texas;
- 13 (2) County Court at Law No. 2 of Travis County, Texas;
- 14 (3) County Court at Law No. 3 of Travis County, Texas;
- 15 (4) County Court at Law Number 4 of Travis County;
- 16 (5) County Court at Law Number 5 of Travis County;
- 17 (6) The County Court at Law Number 6 of Travis County;
- 18 (7) The County Court at Law Number 7 of Travis County;

19 [~~and~~]

20 (8) The County Court at Law Number 8 of Travis County;

21 and

22 (9) The County Court at Law Number 9 of Travis County.

23 (b) Effective September 1, 2015, Section 25.2292,
24 Government Code, is amended by adding Subsection (b) to read as
25 follows:

26 (b) The County Court at Law Number 9 of Travis County shall
27 give preference to criminal cases.

1 (c) The County Court at Law Number 9 of Travis County is
2 created September 1, 2015.

3 SECTION 2.07. (a) Chapter 25, Government Code, is amended
4 by adding Subchapter F to read as follows:

5 SUBCHAPTER F. MULTICOUNTY STATUTORY COUNTY COURTS IN PARTICULAR
6 COUNTIES

7 Sec. 25.2701. 1ST MULTICOUNTY COURT AT LAW (FISHER,
8 MITCHELL, AND NOLAN COUNTIES). Fisher, Mitchell, and Nolan
9 Counties have a multicounty statutory county court composed of
10 those counties, the 1st Multicounty Court at Law.

11 Sec. 25.2702. 1ST MULTICOUNTY COURT AT LAW PROVISIONS. (a)
12 In addition to the jurisdiction provided by Section 25.0003 and
13 other law, the 1st Multicounty Court at Law has concurrent
14 jurisdiction with the district court in family law cases and
15 proceedings.

16 (b) The county court at law has concurrent jurisdiction with
17 the justice court in criminal matters prescribed by law for justice
18 courts. This section does not affect the right of appeal to a
19 county court at law from a justice court where the right of appeal
20 to the county court exists by law.

21 (c) The judge may not engage in the private practice of law.

22 (d) An official court reporter of the county court at law is
23 entitled to receive a salary set by the commissioners courts in the
24 counties the reporter serves to be paid out of the county
25 treasuries, either by salary or by contract as set by the
26 commissioners courts. The clerk of the court shall tax as costs, in
27 each civil, criminal, and probate case in which a record of any part

1 of the evidence in the case is made by the reporter, a
2 stenographer's fee of \$25. The fee shall be paid in the same manner
3 as other costs in the case. The clerk collects the fee and pays it
4 into the general funds of the counties.

5 (e) The district clerk serves as clerk of the county court
6 at law in matters of concurrent jurisdiction with the district
7 court, and the county clerk serves as clerk of the county court at
8 law in all other cases.

9 (f) Sections 25.0006, 25.0008, and 74.054(b) do not apply to
10 the county court at law.

11 (g) From amounts deposited in the judicial fund under
12 Section 51.702, the state shall annually compensate Fisher,
13 Mitchell, and Nolan Counties each in the amount required under
14 Section 25.0015.

15 (h) Notwithstanding Section 74.121(b)(1), in matters of
16 concurrent jurisdiction, the judge of the 1st Multicounty Court at
17 Law and the judges of the district courts in Fisher, Mitchell, and
18 Nolan Counties may exchange benches and courtrooms and may transfer
19 cases between their dockets in the same manner that judges of
20 district courts exchange benches and transfer cases under Section
21 24.003.

22 (b) Subchapter E, Chapter 101, Government Code, is amended
23 by adding Section 101.08117 to read as follows:

24 Sec. 101.08117. ADDITIONAL STATUTORY COUNTY COURT FEES:
25 GOVERNMENT CODE. The clerk of the 1st Multicounty Court at Law
26 shall collect a stenographer's fee of \$25 under Section 25.2702,
27 Government Code, in each civil or probate case in which a record of

1 any part of the evidence is made by the official court reporter of
2 the court.

3 (c) Subchapter D, Chapter 102, Government Code, is amended
4 by adding Section 102.0619 to read as follows:

5 Sec. 102.0619. ADDITIONAL COURT COSTS ON CONVICTION IN
6 CERTAIN STATUTORY COUNTY COURTS: GOVERNMENT CODE. The clerk of the
7 1st Multicounty Court at Law shall collect a stenographer's fee of
8 \$25 under Section 25.2702, Government Code, in each criminal case
9 in which a record of any part of the evidence is made by the official
10 court reporter of the court.

11 (d) The 1st Multicounty Court at Law is created September 1,
12 2013.

13 (e) Sections 25.1791 and 25.1792, Government Code, are
14 repealed and the County Court at Law of Nolan County is abolished
15 September 1, 2013.

16 (f) On the date the County Court at Law of Nolan County is
17 abolished, all cases pending in the court are transferred to the 1st
18 Multicounty Court at Law. When a case is transferred from one court
19 to another as provided by this section, all processes, writs,
20 bonds, recognizances, or other obligations issued from the
21 transferring court are returnable to the court to which the case is
22 transferred as if originally issued by that court. The obligees in
23 all bonds and recognizances taken in and for a court from which a
24 case is transferred and all witnesses summoned to appear in a court
25 from which a case is transferred are required to appear before the
26 court to which a case is transferred as if originally required to
27 appear before the court to which the transfer is made.

1 ARTICLE 3. MAGISTRATES

2 SECTION 3.01. Chapter 54, Government Code, is amended by
3 adding Subchapter KK to read as follows:

4 SUBCHAPTER KK. MAGISTRATES IN GUADALUPE COUNTY

5 Sec. 54.2001. AUTHORIZATION; APPOINTMENT; ELIMINATION.

6 (a) The Commissioners Court of Guadalupe County may authorize the
7 judges of the district and statutory county courts in Guadalupe
8 County to appoint one or more part-time or full-time magistrates to
9 perform the duties authorized by this subchapter.

10 (b) The judges of the district and statutory county courts
11 in Guadalupe County by a unanimous vote may appoint magistrates as
12 authorized by the Commissioners Court of Guadalupe County.

13 (c) An order appointing a magistrate must be signed by the
14 local presiding judge of the district courts serving Guadalupe
15 County, and the order must state:

16 (1) the magistrate's name; and

17 (2) the date the magistrate's employment is to begin.

18 (d) An authorized magistrate's position may be eliminated
19 on a majority vote of the Commissioners Court of Guadalupe County.

20 Sec. 54.2002. QUALIFICATIONS; OATH OF OFFICE. (a) To be
21 eligible for appointment as a magistrate, a person must:

22 (1) be a citizen of the United States;

23 (2) have resided in Guadalupe County for at least the
24 two years preceding the person's appointment; and

25 (3) be at least 30 years of age.

26 (b) A magistrate appointed under Section 54.2001 must take
27 the constitutional oath of office required of appointed officers of

1 this state.

2 Sec. 54.2003. COMPENSATION. (a) A magistrate is entitled
3 to the salary determined by the Commissioners Court of Guadalupe
4 County.

5 (b) A full-time magistrate's salary may not be less than
6 that of a justice of the peace of Guadalupe County as established by
7 the annual budget of Guadalupe County.

8 (c) A part-time magistrate's salary is equal to the per-hour
9 salary of a justice of the peace. The per-hour salary is determined
10 by dividing the annual salary by a 2,000 work-hour year. The local
11 administrative judge of the district courts serving Guadalupe
12 County shall approve the number of hours for which a part-time
13 magistrate is to be paid.

14 (d) The magistrate's salary is paid from the county fund
15 available for payment of officers' salaries.

16 Sec. 54.2004. JUDICIAL IMMUNITY. A magistrate has the same
17 judicial immunity as a district judge.

18 Sec. 54.2005. TERMINATION OF EMPLOYMENT. (a) A magistrate
19 may be terminated by a majority vote of all the judges of the
20 district and statutory county courts of Guadalupe County.

21 (b) To terminate a magistrate's employment, the local
22 administrative judge of the district courts serving Guadalupe
23 County must sign a written order of termination. The order must
24 state:

25 (1) the magistrate's name; and

26 (2) the final date of the magistrate's employment.

27 Sec. 54.2006. JURISDICTION; RESPONSIBILITY; POWERS. (a)

1 The judges of the district or statutory county courts shall
2 establish standing orders to be followed by a magistrate or parties
3 appearing before a magistrate, as applicable.

4 (b) To the extent authorized by this subchapter and the
5 standing orders, a magistrate has jurisdiction to exercise the
6 authority granted by the judges of the district or statutory county
7 courts.

8 (c) A magistrate has all of the powers of a magistrate under
9 the laws of this state and may administer an oath for any purpose.

10 (d) A magistrate shall give preference to performing the
11 duties of a magistrate under Article 15.17, Code of Criminal
12 Procedure.

13 (e) A magistrate is authorized to:

14 (1) set, adjust, and revoke bonds before the filing of
15 an information or the return of an indictment;

16 (2) conduct examining trials;

17 (3) determine whether a defendant is indigent and
18 appoint counsel for an indigent defendant;

19 (4) issue search and arrest warrants;

20 (5) issue emergency protective orders;

21 (6) order emergency mental commitments; and

22 (7) conduct initial juvenile detention hearings if
23 approved by the Guadalupe County Juvenile Board.

24 (f) With the express authorization of a justice of the
25 peace, a magistrate may exercise concurrent criminal jurisdiction
26 with the justice of the peace to dispose as provided by law of cases
27 filed in the precinct of the authorizing justice of the peace,

1 except for a trial on the merits following a plea of not guilty.

2 (g) A magistrate may:

3 (1) issue notices of the setting of a case for a
4 hearing;

5 (2) conduct hearings;

6 (3) compel production of evidence;

7 (4) hear evidence;

8 (5) issue summons for the appearance of witnesses;

9 (6) swear witnesses for hearings;

10 (7) regulate proceedings in a hearing; and

11 (8) perform any act and take any measure necessary and
12 proper for the efficient performance of the duties required by the
13 magistrate's jurisdiction and authority.

14 Sec. 54.2007. PERSONNEL, EQUIPMENT, AND OFFICE SPACE. The
15 Commissioners Court of Guadalupe County shall provide:

16 (1) personnel for the legal or clerical functions
17 necessary to perform the magistrate's duties authorized by this
18 chapter; and

19 (2) sufficient equipment and office space for the
20 magistrate and personnel to perform the magistrate's essential
21 functions.

22 ARTICLE 4. EFFECTIVE DATE

23 SECTION 4.01. Except as otherwise provided by this Act,
24 this Act takes effect September 1, 2013.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
ARTICLE 1. DISTRICT COURTS AND DISTRICT ATTORNEYS	ARTICLE 1. DISTRICT COURTS, DISTRICT ATTORNEYS, AND CERTAIN JUVENILE BOARDS	ARTICLE 1. Same as Senate version.
No equivalent provision.	SECTION 1.01	SECTION 1.01. Same as Senate version.
No equivalent provision.	(a) Section 24.113, Government Code, is amended to remove Leon County from the composition of the 12th Judicial District. Removes a statutory provision setting the beginning dates of the terms of the court.	(a) Same as Senate version.
No equivalent provision.	(b) Section 24.514, Government Code, is amended to add Leon County to the composition of the 369th Judicial District.	(b) Same as Senate version.
No equivalent provision.	(c) Section 43.106, Government Code, is redesignated as Section 43.1815, Government Code, and amended to redesignate the district attorney elected by the voters of Leon County for the 12th Judicial District as the district attorney for the 369th Judicial District representing the state in that county.	(c) Same as Senate version.
No equivalent provision.	(d) Section 152.1511(a), Human Resources Code, as amended by Chapters 531 (H.B. 956), 1152 (H.B. 3045), and 1352 (S.B. 1189), Acts of the 79th Legislature, Regular Session, 2005, relating to the composition of the juvenile board of Leon County, is reenacted.	(d) Same as Senate version.
No equivalent provision.	(e) Requires the local administrative district judge to transfer all cases from Leon County that are pending in the 12th District Court on September 1, 2013, to the 369th District Court.	(e) Same as Senate version.
No equivalent provision.	(f) Procedural provision relating to the transfer of cases under	(f) Same as Senate version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Subsection (e).

No equivalent provision.

(g) Provides that the person serving as district attorney for the 12th Judicial District on September 1, 2013, unless otherwise removed from office, continues to serve in that office as redesignated as the district attorney for the 369th Judicial District for the term to which elected or appointed.

(g) Same as Senate version.

No equivalent provision.

SECTION 1.02

SECTION 1.02. Same as Senate version.

No equivalent provision.

(a) Effective January 1, 2014, Section 24.254, Government Code, is amended to remove Waller County from the composition of the 155th Judicial District. Removes a statutory provision setting the beginning dates of the terms of the court.

(a) Same as Senate version.

No equivalent provision.

(b) Requires the local administrative district judge to transfer to the 506th District Court all cases from Waller County that are pending in the 155th District Court on January 1, 2014.

(b) Same as Senate version.

No equivalent provision.

(c) Procedural provision relating to the transfer of cases under Subsection (b).

(c) Same as Senate version.

SECTION 1.01.

SECTION 1.03. (part) Same as House version except as follows:

SECTION 1.03. (part) Same as Senate version.

(a) - (d) Section 24.275 and Section 24.377, Government Code, are amended; Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.596; and Subchapter B, Chapter 43, Government Code, is amended by adding Section 43.184.

(a) - (d) Same as House version.

(a) - (d) Same as House version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

(e) Amends Sections 74.042(g) and (h), Government Code, to transfer McCulloch and Menard Counties from the Seventh Administrative Judicial Region to the Sixth Administrative Judicial Region.

(e) Same as Senate version.

(e) Section 46.002, Government Code, is amended to include the district attorney for the 452nd Judicial District among the state prosecutors who are subject to Chapter 46, Government Code, relating to professional prosecutors.

SECTION 1.07. Same as House version except also makes a conforming change relating to the redesignation of the district attorney for the 12th Judicial District as the district attorney for the 369th Judicial District, as provided by SECTION 1.01(c) of the Senate Version.

SECTION 1.07. Same as Senate version.

SECTION 1.03 (part)

SECTION 1.03 (part)

(f) Requires the local administrative district judge to transfer to the 198th District Court all cases from Bandera County that are pending in the 216th District Court on the bill's effective date.

(f) Same as House version.

(f) Same as House version.

(g) Procedural provisions.

(g) Same as House version.

(g) Same as House version.

(h) Requires the local administrative district judge to transfer to the 452nd District Court all cases from Edwards, Kimble, McCulloch, Mason, and Menard Counties that are pending in the 198th District Court on the bill's effective date.

(h) Same as House version.

(h) Same as House version.

(i) Procedural provisions.

(i) Same as House version.

(i) Same as House version.

(j) Creates the 452nd Judicial District on the bill's effective date.

(j) Same as House version.

(j) Same as House version.

SECTION 1.02.

SECTION 1.04. Same as House version.

SECTION 1.04. Same as House version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
(a) Effective January 1, 2015, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.586.	(a) Same as House version.	(a) Same as House version.
(b) Creates the 442nd Judicial District on January 1, 2015.	(b) Same as House version.	(b) Same as House version.
SECTION 1.03.	SECTION 1.05. Same as House version.	SECTION 1.05. Same as House version.
(a) Effective September 1, 2014, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.587.	(a) Same as House version.	(a) Same as House version.
(b) Creates the 443rd Judicial District on September 1, 2014.	(b) Same as House version.	(b) Same as House version.
SECTION 1.04.	SECTION 1.06. Same as House version.	SECTION 1.06. Same as House version.
(a) Effective September 1, 2015, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.594.	(a) Same as House version.	(a) Same as House version.
(b) Creates the 450th Judicial District on September 1, 2015.	(b) Same as House version.	(b) Same as House version.
ARTICLE 2. STATUTORY COUNTY COURTS AND COURT COSTS AND FEES	ARTICLE 2. Same as House version.	ARTICLE 2. Same as Senate version except as follows:
SECTION 2.01.	SECTION 2.01. Same as House version.	SECTION 2.01. Same as House version.
(a) Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0091 and 25.0092.	(a) Same as House version.	(a) Same as House version.
(b) Creates the County Court at Law of Atascosa County on January 1, 2014, or on an earlier date determined by the Commissioners Court of Atascosa County by an order entered in its minutes.	(b) Same as House version.	(b) Same as House version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

SECTION 2.02.

SECTION 2.02. Same as House version except as follows:

No equivalent provision.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

(a) Effective **January 1, 2015**, Section 25.0331, Government Code, is amended to establish that Cameron County has one statutory probate court, the Probate Court No. 1 of Cameron County.

(a) Same as House version except provides for an effective date of **January 1, 2017**.

No equivalent provision.

(b) Requires the initial vacancy in the office of judge of the Probate Court No. 1 of Cameron County to be filled by election and establishes that the office exists for purposes of the primary and general elections in **2014**. Establishes that a vacancy after the initial vacancy is filled as provided by Section 25.0009, Government Code.

(b) Same as House version except establishes that the office exists for purposes of the primary and general elections in **2016**.

No equivalent provision.

(c) Establishes that the Probate Court No. 1 of Cameron County is created on **January 1, 2015**.

(c) Same as House version except establishes that the court is created on **January 1, 2017**.

No equivalent provision.

No equivalent provision.

SECTION 2.03.

SECTION 2.02. Same as Senate version.

No equivalent provision.

(a) Effective January 1, 2015, Section 25.1042, Government Code, is amended to grant a county court at law in Harrison County concurrent jurisdiction with the district court, on assignment of a district judge presiding in Harrison County, in family law cases and proceedings. Establishes that assignment and transfer of such cases and proceedings is at the discretion of the judge of the district court making the assignment and that assignment or transfer from the county court at law to a

(a) Same as Senate version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

district court is governed by Section 74.121(b)(1). Establishes that the district clerk serves as clerk of the county court at law in family law cases and proceedings and the county clerk serves as clerk of the court in all other cases. Authorizes a party to a family law case or proceeding assigned to the court to request a jury of 12 persons if the party makes the request not later than the 30th day before the trial date. Establishes that a party who does not make a timely request waives the right to request a 12-person jury and the case will proceed with a six-person jury. Authorizes a district judge presiding in Harrison County, in matters of concurrent jurisdiction, to transfer cases from the district court to a county court at law in Harrison County in the same manner judges of district courts transfer cases under Section 24.003.

(b) Saving provision.

(b) Same as Senate version.

SECTION 2.03.

(a) Effective January 1, 2015, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.1271 and 25.1272 to establish the Jim Wells County Court at Law. Among other provisions, adds Section 25.1272(i) which authorizes a judge of the county court at law in Jim Wells County to provide that any criminal proceeding in the county court at law be recorded by a good quality electronic recording device instead of by a court reporter, unless the defendant requests that a court reporter be present on written motion filed with the court not later than 10 days before trial, and specifies that if a recording device is used, the court reporter is not required to be present at the proceeding to certify the statement of facts.

SECTION 2.04. Same as House version except as follows

SECTION 2.03. Same as Senate version.

(a) Same as House version except omits Section 25.1272(i).

(a) Same as Senate version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
(b) Procedural provisions.	(b) Same as House version.	(b) Same as House version.
(c) Creates the County Court at Law of Jim Wells County on January 1, 2015.	(c) Same as House version.	(c) Same as House version.
SECTION 2.04.	SECTION 2.05. Same as House version.	SECTION 2.04. Same as House version.
(a) Section 25.1412, Government Code, is amended by amending Subsections (a) and (f) and adding Subsections (l), (m), (n), (o), and (p).	(a) Same as House version.	(a) Same as House version.
(b) Saving provision.	(b) Same as House version.	(b) Same as House version.
SECTION 2.05. Section 25.1772(a), Government Code, is amended.	SECTION 2.06. Same as House version.	SECTION 2.05. Same as House version.
SECTION 2.06.	SECTION 2.07. Same as House version.	SECTION 2.06. Same as House version.
(a) Effective September 1, 2015, Section 25.2291(a), Government Code, is amended.	(a) Same as House version.	(a) Same as House version.
(b) Effective September 1, 2015, Section 25.2292, Government Code, is amended by adding Subsection (b).	(b) Same as House version.	(b) Same as House version.
(c) Creates the County Court at Law Number 9 of Travis County on September 1, 2015.	(c) Same as House version.	(c) Same as House version.
SECTION 2.07.	SECTION 2.08. Same as House version.	SECTION 2.07. Same as House version.
(a) Chapter 25, Government Code, is amended by adding Subchapter F.	(a) Same as House version.	(a) Same as House version.

House Bill 3153
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
(b) Subchapter E, Chapter 101, Government Code, is amended by adding Section 101.08117.	(b) Same as House version.	(b) Same as House version.
(c) Subchapter D, Chapter 102, Government Code, is amended by adding Section 102.0619.	(c) Same as House version.	(c) Same as House version.
(d) Creates the 1st Multicounty Court at Law on September 1, 2013.	(d) Same as House version.	(d) Same as House version.
(e) Repeals Sections 25.1791 and 25.1792, Government Code, and abolishes the County Court at Law of Nolan County on September 1, 2013.	(e) Same as House version.	(e) Same as House version.
(f) Procedural provisions.	(f) Same as House version.	(f) Same as House version.
ARTICLE 3. MAGISTRATES	ARTICLE 3. Same as House version.	ARTICLE 3. Same as House version.
SECTION 3.01. Chapter 54, Government Code, is amended by adding Subchapter KK.	SECTION 3.01. Same as House version.	SECTION 3.01. Same as House version.
ARTICLE 4. EFFECTIVE DATE	ARTICLE 4. Same as House version.	ARTICLE 4. Same as House version.
SECTION 4.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2013.	SECTION 4.01. Same as House version.	SECTION 4.01. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 25, 2013

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
 Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB3153** by Lewis (Relating to the operation and administration of, and practice in courts in, the judicial branch of state government and the composition of certain juvenile boards; imposing a fee.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3153, Conference Committee Report: a negative impact of (\$471,655) through the biennium ending August 31, 2015.
 The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2014	(\$173,084)
2015	(\$298,571)
2016	(\$398,960)
2017	(\$398,960)
2018	(\$398,960)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Judicial Fund</i> 573	Probable Revenue Gain from <i>Judicial Fund</i> 573	Change in Number of State Employees from FY 2013
2014	(\$173,084)	(\$219,678)	\$75,000	2.0
2015	(\$298,571)	(\$390,243)	\$125,000	4.0
2016	(\$398,960)	(\$586,695)	\$225,000	5.0
2017	(\$398,960)	(\$586,695)	\$225,000	5.0
2018	(\$398,960)	(\$586,695)	\$225,000	5.0

Fiscal Analysis

The bill would amend the Government Code to remove Leon County from the 12th Judicial District. Under provisions of the bill the 369th Judicial District would be composed of Anderson, Cherokee, and Leon counties.

The bill would amend the Government Code to where voters in the 369th Judicial District would elect a district attorney to represent the state before the district court. The bill establishes that the district attorney for the 369th Judicial District would be subject to the Professional Prosecutors Act and prohibited from the private practice of law. Leon County would be moved to the 369th Judicial District effective September 1, 2013.

The bill would amend the Government Code to remove Waller County from the 155th Judicial District and move Waller County to the 506th Judicial District. Under provisions of the bill the 155th Judicial District would be composed of Austin and Fayette counties effective January 1, 2014.

The bill would amend the Government Code to remove Bandera County from the 216th Judicial District. Additionally, the bill would remove Edwards, Kimble, McCulloch, Mason, and Menard Counties from the 198th Judicial District.

Under provisions of the bill the 198th Judicial District would be composed of Bandera and Kerr Counties. The bill would create a new judicial district in Edwards, Kimble, McCulloch, Mason, and Menard Counties, the 452nd Judicial District. Additionally, the bill would remove McCulloch and Menard counties from the Seventh Administrative Judicial Region and place both counties in the Sixth Administrative Judicial Region.

The bill would amend the Government Code to authorize voters of the 452nd Judicial District to elect a district attorney to represent the state before the district court. The bill establishes that the district attorney for the 452nd Judicial District would be subject to the Professional Prosecutors Act and prohibited from the private practice of law. The court would be created September 1, 2013.

The bill would amend the Government Code to create a new judicial district in Denton County, the 442nd Judicial District. The court would be created January 1, 2015.

The bill would amend the Government Code to create a new judicial district in Ellis County, the 443rd Judicial District. The court would be created September 1, 2014.

The bill would amend the Government Code to create a new judicial district in Travis County, the 450th Judicial District. The court would be created September 1, 2015, and give preference to criminal matters.

The bill would amend the Government Code to create a new County Court at Law in Atascosa County. The court would be created January 1, 2014, or an earlier date determined by a vote of the Commissioners Court of Atascosa County.

The bill would amend the Government Code to create a new County Court at Law in Jim Wells County. The court would be created January 1, 2015.

The bill would amend the Government Code to create a new County Court at Law in Travis County. The court would be created September 1, 2015, and give preference to criminal matters.

The bill would amend the Government Code to create the 1st Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties. The bill would also abolish the current County Court at Law in Nolan County on the date the Multi-county Court at Law would be created. The court would be created September 1, 2013.

Finally, the bill would amend the Government Code to authorize the Commissioners Court of Guadalupe County to appoint one or more part-time or full-time magistrates.

Methodology

The annual salary provided by the state for a district judge is \$125,000, in addition to benefits (state contributions for group insurance and the Judicial Retirement System) which are estimated to be \$22,631 annually. The total annual salary and benefits cost for a district judge is estimated to be \$147,631. Units of local government pay all other associated costs for district court operation. This estimate prorates the fiscal year 2015 salary for the 442nd Judicial District, Denton County, due to the January 1, 2015, court creation date.

For county courts at law, the annual recurring cost to the state would be \$75,000 from Judicial Fund No. 573. Under current law, the state provides a county-court-at-law judge a salary supplement an amount equal to 60 percent of the state salary of a district judge (\$75,000). The salary supplement program for county court at law judges is funded from fees and court costs collected by county courts at law statewide and deposited into Judicial Fund No. 573.

This estimate assumes that the county courts at law that would be created by the bill would generate sufficient revenue to Judicial Fund No. 573 to cover costs of the salary supplement. Local governments pay the other operating costs associated with a county court at law. This estimate assumes that the County Court at Law of Atascosa County would be created September 1, 2013, because provisions of the bill would allow creation of the Atascosa County Court at Law by a vote of the Commissioners Court of Atascosa County. Additionally, this estimate prorates the fiscal year 2015 salary supplement as well as revenues for the County Court at Law of Jim Wells County, due to the January 1, 2015, court creation date.

The annual salary for a district attorney listed in the Professional Prosecutors Act is \$125,000 from the state plus benefits which are estimated to be \$22,631 annually. Additionally, district and county attorneys in multicounty jurisdictions and listed in the Professional Prosecutors Act are entitled to \$22,500 per year from the state to defray office expenses. These "office apportionments" are funded by appropriations out of the General Revenue Fund. This estimate assumes no significant fiscal impact for the district attorney for the 369th Judicial District as the bill removes the district attorney for the 12th Judicial District and includes the 369th Judicial District in the Professional Prosecutors Act.

Due to the abolishment of the Nolan County Court at Law on the effective creation date of the 1st Multicounty Court at Law composed of Fisher, Mitchell, and Nolan Counties, this estimate assumes no significant fiscal impact to the state. Additionally, the bill would require the clerk of the court of the 1st Multicounty Court at Law to collect a \$25 stenographer fee in civil, probate or criminal cases in which a record of any part of the evidence is made by the court reporter of the court. Under provisions of the bill the stenographer fee would be deposited to the general fund of the counties and accordingly have no fiscal implications to the state.

Finally, the magistrate positions that could be authorized by the Commissioners Court of Guadalupe County would have no fiscal impact to the state and be an expense to Guadalupe

County.

Local Government Impact

The bill would establish multiple courts, which would require annual costs for personnel and operating expenses and in some cases would also require one-time costs to establish.

For the 12th and 369th Judicial Districts, Grimes, Madison, Walker, Anderson, Cherokee, and Leon counties were unable to determine an estimated fiscal impact.

For the 155th and 506th Judicial Districts, Waller County currently spends \$80,478 per fiscal year on the 155th Judicial District, and Waller County estimates costs of \$20,268 per year for the 506th Judicial District. Austin County currently spends \$25,192 on the 155th Judicial District and estimates costs of \$46,946 under realignment of the 155th Judicial District. Fayette County currently spends \$21,353 per fiscal year and estimates costs of approximately \$36,353 per year under provisions of the bill.

For the 198th, 216th, and 452nd Judicial Districts, Kerr County anticipates annual costs of \$18,000 and McCulloch County reported annual costs of \$11,000. Start-up costs could not be determined. Gillespie, Kendall, Bandera, Edwards, Kimble, Mason, and Menard counties were unable to determine an estimated fiscal impact.

For the 442nd Judicial District, Denton County anticipates \$97,000 in start-up costs and \$1,953,000 in annual costs. Denton County anticipates \$165,000 in new revenue through improved caseload management.

For the 443rd Judicial District, Ellis County anticipates annual costs of \$216,000 and no start-up costs.

For the 450th Judicial District, Travis County anticipates start-up costs of \$361,000 and \$2,408,000 in annual costs.

For the Atascosa County Court at Law, Atascosa County anticipates start-up costs of \$10,000 and \$334,000 in annual costs.

For the Jim Wells County Court at Law, Jim Wells County anticipates start-up costs of \$10,000 and \$244,000 in annual costs.

For the County Court at Law No. 9 of Travis County, Travis County anticipates start-up costs of \$356,000 and \$2,524,000 in annual costs.

For the 1st Multicounty Court at Law, annual costs are estimated to be \$138,000. This would replace the Nolan County Court at Law; Nolan County would see savings of \$65,000 annually because these costs would be split with Mitchell County and Fisher County, who would pay \$45,000 and \$20,000, respectively.

The bill would also establish a \$25 stenographer's fee in the 1st Multicounty Court at Law to be retained by the counties. Nolan County estimates that this will generate \$24,000 in new revenue for the county each year, Mitchell County anticipates \$8,000 in new revenue, and Fisher County anticipates \$2,000 in new revenue.

According to Guadalupe County, the fiscal impact of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts

LBB Staff: UP, CL, SD, ZS, JP, KKR

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 3153 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5/25/13
(date)