

BILL ANALYSIS

Senate Research Center

H.B. 731
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Intergovernmental Relations
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Engrossed

DIGEST

Currently, there are disparities between municipal courts of record (MCR) and general municipal courts regarding appeals and judges' qualifications. There is also a lack of uniformity and clarity among MCRs regarding judges, appellate procedures, and jurisdiction. H.B. 731 streamlines Chapter 30, Government Code, to clearly establish the qualifications, duties, salaries, powers, terms, selection, and removal of judges of municipal courts of record, and amends appellate procedures and jurisdiction of MCRs.

PURPOSE

As proposed, H.B. 731 streamlines Chapter 30, Government Code, to clearly establish the qualifications, duties, salaries, powers, terms, selection, and removal of judges of municipal courts of record.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the appellate court in SECTION 1 (Section 30.00024(d), Government Code) in this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 30A, Government Code, as follows:

Sec. 30.00001. New heading: SHORT TITLE; APPLICATION. Authorizes this chapter to be cited as the Uniform Municipal Courts of Record Act. Provides that this subchapter applies to each municipality listed in this chapter, rather than certain cities. Provides that the specific provision of this subchapter controls in the case of a conflict.

Sec. 30.00002. DEFINITIONS. Defines "appellate court," "governing body," "municipality," and "presiding judge." Deletes text regarding authorizations of the governing body and a definition for city.

Sec. 30.00003. CREATION OF MUNICIPAL COURTS OF RECORD. Authorizes the governing body to create a municipal court, rather than courts, of record if the governing body determines it is necessary to provide a more efficient disposition of cases arising in the municipality. Authorizes the ordinance to establish as many municipal courts of record (MCR) as needed as determined by the governing body. Requires the ordinance to give a certain numerical designation. Sets forth circumstances wherein a court is required to be the "Municipal Court of Record in the City of (name of municipality)," and sets forth provisions for the establishment of divisions. Prohibits an MCR from existing concurrently with a municipal court that is not an MCR in the municipality. Provides that an MCR has no terms and may sit for any time for the transaction of court business. Deletes text regarding courts, disposition, city, and enumeration.

Sec. 30.00004. ABOLITION OF COURT. Requires the governing body to take certain action if it finds that an MCR is unnecessary. Deletes text regarding dockets of other courts. Makes conforming changes.

Sec. 30.00005. JURISDICTION. Provides that the court has jurisdiction over, rather than of, criminal cases which arise under ordinances authorized by Sections 215.072, 217.042, 341.903, and 401.002, Local Government Code, rather than Article 1175(19), V.T.C.S. Authorizes the governing body to provide that the court has concurrent jurisdiction with certain justice courts, under certain conditions.

Sec. 30.00006. JUDGE. Requires the governing body to appoint its municipal judges, and sets forth qualification requirements of a municipal judge. Requires a municipal judge's term of office to be for a definite term of two or four years, rather than other term limits. Requires the municipal judge to take judicial notice of state law and corporate limits of the municipality, rather than of the city. Provides that a municipal judge is a magistrate and is authorized to issue administrative search warrants. Authorizes municipal judges to exchange benches under certain conditions, and provides that acts are binding on all parties to the proceeding. Sets forth provisions for the case of a potential municipal judge being previously employed by the municipality. Requires the governing body to determine the municipal judge's salary, and prohibits the salary from decreasing during a term of office. Prohibits the salary from being based on certain matters. Makes conforming changes.

Sec. 30.00007. PRESIDING JUDGE. Requires the presiding judge to temporarily assign substitute, rather than relief, judges to exchange benches. Requires the presiding judge to supervise and control certain proceedings of the court. Deletes text regarding a municipal or relief judge. Makes conforming changes.

Sec. 30.00008. VACANCIES: TEMPORARY REPLACEMENT. Requires the governing body to appoint individuals to serve for a municipal judge, under certain conditions. Requires the presiding judge or the municipal judge to select one person to serve during the absence of a municipal judge. Sets forth provisions for the substitute judge. Deletes text regarding relief municipal judges, compensation, and duties. Makes nonsubstantive and conforming changes.

Sec. 30.000085. REMOVAL OF JUDGE. Sets forth circumstances which justify the removal of a municipal judge of a general law municipality and a municipal judge of a home-rule municipality.

Sec. 30.00009. CLERK; OTHER PERSONNEL. Sets forth required responsibilities of the municipal clerk. Authorizes the governing body to provide certain personnel necessary for the court's operation. Requires the clerk and other court personnel to perform their duties under the presiding judge. Requires the governing body to provide for certain administrative duties related to the personnel authorized in the annual budget for the clerk's office. Deletes text regarding the municipal clerk of the governing body of the city, consent, appointments, and salaries. Makes nonsubstantive and conforming changes.

Sec. 30.00010. COURT REPORTER. Requires the municipality, rather than the governing body of the city, to provide a court reporter. Requires the court reporter to meet certain qualifications. Authorizes the court reporter to use video or audio recording equipment. Requires the court reporter to keep a certain record. Provides that the court reporter is not required to record testimony in a case, rather than trial, unless requested to do so. Sets forth provisions for a good quality electronic recording device to serve in place of a court reporter. Makes nonsubstantive and conforming changes.

Sec. 30.00011. PROSECUTIONS. Requires prosecutions to be conducted as provided by Article 45.03, Code of Criminal Procedure, rather than by certain attorneys or assistants.

Sec. 30.00012. COURT FACILITIES. Requires the provision of certain court facilities necessary for the operation of the MCR. Deletes text regarding the filing of original papers.

Sec. 30.000125. SEAL. Requires the governing body to provide each MCR with a seal. Sets forth required provisions for the seal.

Sec. 30.000126. COMPLAINT; PLEADING. Requires complaints and pleadings to substantially conform to Article 27.14 and Chapter 45, Code of Criminal Procedure.

Sec. 30.00013. JURY. Requires ordinances, rules, and procedures relating to juries to substantially conform to Chapter 45, Code of Criminal Procedure. Requires certain entities to supervise jury selection. Deletes text regarding offenders and plans for selection.

Sec. 30.00014. APPEAL. Provides that the state has the right to appeal as provided by Article 44.01, Code of Criminal Procedure. Sets forth provisions regarding the jurisdiction of appeals

belonging to criminal courts of appeal, and circumstances under which county courts at law have jurisdiction. Sets forth provisions for the perfection of an appeal by a defendant in custody. Requires a municipality to establish a transcript preparation fee of \$25. Requires the clerk to note payment of such a fee on the court docket, and sets forth a provision for the refund of a fee. Requires the defendant to pay certain fees. Deletes text regarding the prosecution of certain appeals. Makes conforming and nonsubstantive changes.

Sec. 30.00015. APPEAL BOND. Increases the required bond amount from \$50 to \$100. Makes conforming changes.

Sec. 30.00016. RECORD ON APPEAL. Requires the record on appeal to substantially conform to the provisions relating to the preparation of an appeal in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure. Deletes text regarding the record on appeal.

Sec. 30.00017. TRANSCRIPT. Requires the transcript to substantially conform to the provisions of a transcript in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure. Deletes text regarding requirements of the municipal clerk.

Sec. 30.00018. BILLS OF EXCEPTION. Requires bills of exception to substantially conform to the provisions of bills of exception in the Texas Rules of Appellate Procedure and the Code of Criminal Procedure. Deletes text regarding bills of exception.

Sec. 30.00019. STATEMENT OF FACTS. Requires the appellant to pay for the statement of facts. Deletes text regarding the statement of facts. Makes conforming changes.

Sec. 30.00020. TRANSFER OF RECORD. Makes a nonsubstantive change.

Sec. 30.00021. BRIEF ON APPEAL. Requires the record and briefs on appeal to be limited as far as possible to the questions relied on for reversal. Makes nonsubstantive changes.

Sec. 30.00022. NEW TRIAL. Requires the trial court to decide whether the appellant should be granted a new trial. Authorizes the court to grant a new trial at any time before the record is filed with the appellate court.

Sec. 30.00023. COURT RULES. Provides that the Texas Rules of Appellate Procedure govern the trial of cases before the MCR. Deletes text regarding general law.

Sec. 30.00024. DISPOSITION ON APPEAL. Authorizes the appellate court to determine the rules for oral argument. Authorizes the parties to submit certain matters. Makes a nonsubstantive change.

Sec. 30.00025. CERTIFICATE OF APPELLATE PROCEEDINGS. Authorizes the court to order a refund or conduct an indigency hearing. Deletes text regarding further action. Makes conforming changes.

Sec. 30.00026. EFFECT OF ORDER OF NEW TRIAL. Makes a conforming change.

Sec. 30.00027. APPEALS TO COURT OF APPEALS. Deletes existing text of Section 30.00026, Government Code, regarding a seal. Makes conforming changes.

SECTION 2. Amends Section 30.00041(b), Government Code, to redefine “appellate courts.”

SECTION 3. Amends Section 30.00044, Government Code, by amending Subsection (b) and adding Subsection (1), to provide that Section 30.00007(b)(5), Government Code, does not apply to this subchapter. Makes conforming changes.

SECTION 4. Amends Section 30.00046, Government Code, by adding Subsection (c), to provide that Section 30.00010(d), Government Code, does not apply to this subchapter.

SECTION 5. Amends Section 30.00081, Government Code, as follows:

Sec. 30.00081. New heading: APPLICATION; DEFINITION. Defines “appellate courts.”

SECTION 6. Amends Section 30.00084, Government Code, by amending Subsection (h) and adding Subsection (j), to provide that a judge has certain powers in addition to exercising powers under Section 30.00006, Government Code. Provides that Sections 30.00007(b)(1)-(3) and (5) do not apply to this subchapter. Deletes text regarding authorizations and requirements of a municipal judge.

SECTION 7. Amends Section 30.00085, Government Code, to provide that Sections 30.00009(c) and (d), Government Code, do not apply to this subchapter. Deletes text regarding clerks,’ deputies,’ or assistants’ duties. Makes a conforming change.

SECTION 8. Amends Section 30.00086(a), Government Code, to require the appointment of a court reporter under Section 30.00010, Government Code. Deletes text regarding a court reporter.

SECTION 9. Amends Section 30.00128, Government Code, by amending Subsection (g) and adding Subsection (l), to require the salary of the presiding judge to comply with Section 30.00006(h), Government Code. Provides that Section 30.00007(b), Government Code, does not apply to this subchapter. Deletes text regarding compensation entitlements.

SECTION 10. Amends Section 30.00129, Government Code, to require the governing body of the city to satisfy the requirements of Section 30.00009, Government Code. Deletes text regarding the court clerk and other personnel.

SECTION 11. Amends Section 30.00130, Government Code, by adding Subsection (d), to provide that Section 30.00010(d), Government Code, does not apply to this subchapter.

SECTION 12. Amends Section 30.00144(d), Government Code, to increase the time limit for a written order for a new trial from 20 to 30 days.

SECTION 13. Amends Section 30.00145, Government Code, to provide that Section 30.00014, Government Code, does not apply to this subchapter. Makes a conforming change.

SECTION 14. Amends Section 30.00147(a), Government Code, to provide that a certain appeal bond must meet the requirements of Chapter 30A, Government Code. Provides that a certain appeal is perfected when notice is given as provided by Article 44.13, rather than 44.08, Code of Criminal Procedure. Makes nonsubstantive changes.

SECTION 15. Amends Section 30.00181, Government Code, as follows:

Sec. 30.00181. New heading: APPLICATION; DEFINITION. Defines “appellate courts.”
Makes a conforming change.

SECTION 16. Amends Section 30.00184, Government Code, by adding Subsection (k), to provide that Sections 30.00007(b)(1)-(3) and (5), Government Code, do not apply to this subchapter.

SECTION 17. Amends Section 30.00185, Government Code, to provide that Sections 30.00009(c) and (d) do not apply to this subchapter. Deletes text regarding the clerk’s duties. Makes a conforming change.

SECTION 18. Amends Section 30.00186(a), Government Code, to require the clerk of the court to appoint the court reporter under Section 30.00010. Deletes text regarding the city’s provision of an official court reporter.

SECTION 19. Amends Section 30.00221(b), Government Code, to redefine “appellate courts.”

SECTION 20. Amends Section 30.00224, Government Code, by amending Subsection (c) and adding Subsection (k), to require a municipal judge to satisfy the requirements of Section 30.00006(c), and to have been a resident of the city for a minimum of three years immediately preceding the judge’s appointment. Provides that Section 30.00007(b)(5), Government Code, does not apply to this subchapter. Deletes text regarding a municipal judge’s requirements.

SECTION 21. Amends Section 30.00226, Government Code, by adding Subsection (c), to provide that

Section 30.00010(d), Government Code, does not apply to this subchapter.

SECTION 22. Amends Section 30.00261, Government Code, as follows:

Sec. 30.00261. New heading: APPLICATION; DEFINITION. Defines “appellate courts.”

SECTION 23. Amends Section 30.00264, Government Code, by adding Subsection (k), to provide that Sections 30.00007(b)(1)-(3) and (5), do not apply to this subchapter.

SECTION 24. Amends Section 30.00266, Government Code, to provide that Sections 30.00009(c) and (d) do not apply to this subchapter. Deletes text regarding the clerk and other personnel. Makes a conforming change.

SECTION 25. Amends Section 30.00267(a), Government Code, to require the appointment of a court reporter under Section 30.00010, Government Code. Deletes text regarding a court reporter.

SECTION 26. Amends Section 30.00301, Government Code, as follows:

Sec. 30.00301. New heading: APPLICATION; DEFINITION. Defines “appellate courts.”

SECTION 27. Amends Section 30.00304, Government Code, by amending Subsection (b) and adding Subsection (i), to require a municipal judge to satisfy the requirements of Section 30.00006(c), Government Code. Provides that Sections 30.00007(a) and (b)(5), Government Code, do not apply to this subchapter. Deletes text regarding municipal judge requirements.

SECTION 28. Amends Section 30.00305, Government Code, to provide that Section 30.00009(c), Government Code, does not apply to this subchapter. Deletes text regarding records. Makes conforming changes.

SECTION 29. Amends Section 30.00306, Government Code, to require the appointment of an official court reporter under Section 30.00010, Government Code. Provides that Section 30.00010(d), does not apply to this subchapter. Deletes text regarding a reporter, and makes a conforming change.

SECTION 30. Amends Section 30.00341, Government Code, as follows:

Sec. 30.00341. New heading: APPLICATION; DEFINITION. Defines “appellate courts.” Makes a conforming change.

SECTION 31. Amends 30.00344, Government Code, by adding Subsection (k), to provide that Sections 30.00007(b)(1)-(3) and (5), Government Code, do not apply to this subchapter.

SECTION 32. Amends Section 30.00345, Government Code, to make conforming changes.

SECTION 33. Amends Section 30.00346(a), Government Code, to make conforming changes.

SECTION 34. Amends Section 30.00381, Government Code, as follows:

Sec. 30.00381. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 35. Amends Section 30.00384, Government Code, by amending Subsection (c) and adding Subsection (k), to make conforming changes.

SECTION 36. Amends Section 30.00385, Government Code, to make conforming changes.

SECTION 37. Amends Section 30.00421, Government Code, as follows:

Sec. 30.00421. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 38. Amends Section 30.00426, Government Code, by adding Subsection (k), to make

conforming changes.

SECTION 39. Amends Section 30.00427, Government Code, to make conforming changes.

SECTION 40. Amends Section 30.00428(a), Government Code, to make conforming changes.

SECTION 41. Amends Section 30.00461, Government Code, as follows:

Sec. 30.00461. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 42. Amends Section 30.00464, Government Code, by adding Subsection (f), to provide that Section 30.00007(b)(5), Government Code, does not apply to this subchapter.

SECTION 43. Amends Section 30.00466, Government Code, by amending Subsection (a) and adding Subsection (c), to make conforming changes.

SECTION 44. Amends Section 30.00491, Government Code, as follows:

Sec. 30.00491. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 45. Amends Section 30.00494, Government Code, by adding Subsection (k), to make conforming changes.

SECTION 46. Amends Chapter 30M, Government Code, by adding Section 30.004945, as follows:

Sec. 30.004945. MAGISTRATES. Authorizes the governing body to appoint magistrates in addition to magistrates provided under Article 2.09, Code of Criminal Procedure. Provides that a magistrate is not required to possess MCR qualifications for a judge. Prohibits a magistrate from presiding over or hearing contested cases. Sets forth authorizations for a magistrate.

SECTION 47. Amends Section 30.00495, Government Code, to make conforming changes.

SECTION 48. Amends Section 30.00496(a), Government Code, to make conforming changes.

SECTION 49. Amends Section 30.00531, Government Code, as follows:

Sec. 30.00531. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 50. Amends Section 30.00534, Government Code, by adding Subsection (f), to make conforming changes.

SECTION 51. Amends Section 30.00536, Government Code, by amending Subsection (a) and adding Subsection (c), to make conforming changes.

SECTION 52. Amends Section 30.00561, Government Code, as follows:

Sec. 30.00561. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 53. Amends Section 30.00564, Government Code, by adding Subsection (k), to make conforming changes.

SECTION 54. Amends Section 30.00565, Government Code, to make conforming changes.

SECTION 55. Amends Section 30.00566(a), Government Code, to make conforming changes.

SECTION 56. Amends Section 30.00601, Government Code, as follows:

Sec. 30.00601. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 57. Amends Section 30.00604, Government Code, by amending Subsection (b) and adding Subsection (f), to require a municipal judge to satisfy the requirements of Section 30.00006(c), Government Code. Makes conforming changes.

SECTION 58. Amends Section 30.00606, Government Code, by amending Subsection (a) and adding Subsection (c), to make conforming changes.

SECTION 59. Amends Section 30.00631, Government Code, to define “appellate courts” and make conforming changes.

SECTION 60. Amends Section 30.00634, Government Code, by amending Subsection (d) and adding Subsection (k), to require a municipal judge to exercise powers under Section 30.00006(e), Government Code, and make conforming changes.

SECTION 61. Amends Section 30.00636, Government Code, to make conforming changes.

SECTION 62. Amends Section 30.00637(a), Government Code, to make conforming changes.

SECTION 63. Amends Section 30.00671, Government Code, as follows:

Sec. 30.00671. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 64. Amends Section 30.00674, Government Code, by adding Subsection (i), to make conforming changes.

SECTION 65. Amends Section 30.00675, Government Code, by adding Subsection (c), to make conforming changes.

SECTION 66. Amends Section 30.00676, Government Code, to delete text regarding a court reporter request and make conforming changes.

SECTION 67. Amends Section 30.00701, Government Code, as follows:

Sec. 30.00701. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 68. Amends Section 30.00704, Government Code, by amending Subsection (b) and adding Subsection (f), to make conforming changes.

SECTION 69. Amends Section 30.00706, Government Code, by amending Subsection (a) and adding Subsection (c) to make conforming changes.

SECTION 70. Amends Section 30.00731(b), Government Code, to redefine “appellate courts.”

SECTION 71. Amends Section 30.00734, Government Code, by amending Subsection (g) and adding Subsection (i), to make conforming changes.

SECTION 72. Amends Section 30.00737, Government Code, by adding Subsection (d), to make conforming changes.

SECTION 73. Amends Section 30.00771, Government Code, as follows:

Sec. 30.00771. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 74. Amends Section 30.00774, Government Code, by adding Subsection (f), to make conforming changes.

SECTION 75. Amends Section 30.00779, Government Code, by adding Subsection (f), to make conforming changes.

SECTION 76. Amends Section 30.00811, Government Code, as follows:

Sec. 30.00811. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 77. Amends Section 30.00814, Government Code, by amending Subsection (d) and adding Subsection (g), to require the administrative municipal judge to perform duties under Sections 30.00007(b)(1) and (4), Government Code. Provides that Sections 30.00007(b)(2), (3), and (5), Government Code, do not apply to this subchapter. Deletes text regarding the distribution of cases. Makes conforming changes.

SECTION 78. Amends Section 30.00851, Government Code, as follows:

Sec. 30.00851. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 79. Amends Section 30.00854, Government Code, by amending Subsection (d) and adding Subsection (k), to require a municipal judge to satisfy the requirements of Section 30.00006(c), Government Code, and make conforming changes.

SECTION 80. Amends Section 30.00855, Government Code, to make conforming changes.

SECTION 81. Amends Section 30.00856(a), Government Code, to make conforming changes.

SECTION 82. Amends Section 30.00891, Government Code, as follows:

Sec. 30.00891. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 83. Amends Section 30.00894, Government Code, by adding Subsection (g), to provide that Section 30.00007(b)(5), Government Code, does not apply to this subchapter.

SECTION 84. Amends Section 30.00895, Government Code, to authorize an MCR clerk to hire, direct, and remove the personnel authorized in the city’s annual budget for the clerk’s office. Deletes text regarding the clerk’s duties and makes conforming changes.

SECTION 85. Amends Section 30.00896(a), Government Code, to make conforming changes.

SECTION 86. Amends Section 30.00931, Government Code, as follows:

Sec. 30.00931. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 87. Amends Section 30.00934, Government Code, by amending Subsections (a) and (e) and adding Subsection (f), to require an appointed municipal judge to satisfy requirements of Section 30.00006(c), Government Code, and perform duties under Sections 30.00007(b)(1), (3), and (4), Government Code. Provides that Sections 30.00007(b)(2) and (3), Government Code, do not apply to this subchapter. Deletes text regarding municipal judge requirements, a central docket, necessary jurors, and temporary judges. Makes conforming changes.

SECTION 88. Amends Section 30.00939, Government Code, by adding Subsection (d), to make conforming changes.

SECTION 89. Amends Section 30.00971, Government Code, as follows:

Sec. 30.00971. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 90. Amends Section 30.00976, Government Code, by adding Subsection (e), to make a conforming change.

SECTION 91. Amends Section 30.00977, Government Code, to make conforming changes.

SECTION 92. Amends Section 30.00978(a), Government Code, to make conforming changes.

SECTION 93. Amends Section 30.01011, Government Code, as follows:

Sec. 30.01011. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 94. Amends Section 30.01014, Government Code, by amending Subsections (d) and (j) and adding Subsection (k), to make conforming changes.

SECTION 95. Amends Section 30.01015, Government Code, to make conforming changes.

SECTION 96. Amends Section 30.01016(a), Government Code, to make conforming changes.

SECTION 97. Amends Section 30.01051, Government Code, as follows:

Sec. 30.01051. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 98. Amends Section 30.01054, Government Code, by amending Subsection (d) and adding Subsection (k), to make conforming changes.

SECTION 99. Amends Section 30.01055, Government Code, to make conforming changes.

SECTION 100. Amends Section 30.01056(a), Government Code, to require the presiding judge, rather than the clerk of the court, to appoint the court reporter under Section 30.00010, Government Code. Deletes text regarding a court reporter.

SECTION 101. Amends Section 30.01091, Government Code, as follows:

Sec. 30.01091. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 102. Amends Section 30.01096, Government Code, by amending Subsection (a) and adding Subsections (d) and (e), to require a presiding municipal judge to maintain residence in the city during the tenure of office, in addition to satisfying the requirements of Section 30.00006(c), Government Code. Authorizes an MCR to be presided over by an assistant municipal judge. Deletes text regarding a municipal judge, and makes conforming changes.

SECTION 103. Amends Chapter 30CC, Government Code, by adding Section 30.010975, as follows:

Sec. 30.010975. AUTOMATIC RESIGNATION. Sets forth conditions which constitute an automatic resignation of certain appointments, and provides an effective date for such a resignation.

SECTION 104. Amends Section 30.01098, Government Code, by amending Subsection (a) and adding Subsection (d), to make conforming changes.

SECTION 105. Amends Section 30.01131, Government Code, as follows:

Sec. 30.01131. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 106. Amends Section 30.01134, Government Code, by amending Subsection (d) and adding Subsection (k), to make conforming changes.

SECTION 107. Amends Section 30.01135, Government Code, to make conforming changes.

SECTION 108. Amends Section 30.01136(a), Government Code, to make conforming changes.

SECTION 109. Amends Section 30.01171, Government Code, as follows:

Sec. 30.01171. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 110. Amends Section 30.01174, Government Code, by amending Subsection (d) and adding Subsection (k), to make conforming changes.

SECTION 111. Amends Section 30.01175, Government Code, to make conforming changes.

SECTION 112. Amends Section 30.01176(a), Government Code, to make conforming changes.

SECTION 113. Amends Section 30.01211, Government Code, as follows:

Sec. 30.01211. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 114. Amends Section 30.01216, Government Code, by amending Subsection (a) and adding Subsection (d), to provide that Section 30.00007, Government Code, does not apply to this subchapter, and delete text regarding municipal judge requirements.

SECTION 115. Amends Section 30.01218, Government Code, by adding Subsection (d), to provide that Section 30.00009, Government Code, does not apply to this subchapter.

SECTION 116. Amends Section 30.01219(a), Government Code, to make conforming changes.

SECTION 117. Amends Section 30.01251, Government Code, as follows:

Sec. 30.01251. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 118. Amends Section 30.01254, Government Code, by amending Subsection (d) and adding Subsection (k), to make conforming changes.

SECTION 119. Amends Section 30.01256, Government Code, to make conforming changes.

SECTION 120. Amends Section 30.01257(a), Government Code, to make conforming changes.

SECTION 121. Amends Section 30.01291, Government Code, as follows:

Sec. 30.01291. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 122. Amends Section 30.01294, Government Code, to make conforming changes.

SECTION 123. Amends Section 30.01295, Government Code, to make conforming changes.

SECTION 124. Amends Sections 30.01296(b) and (c), Government Code, to provide that an official court reporter transcribes proceedings, and delete text regarding a record request and a record provided by the city.

SECTION 125. Amends Section 30.01321, Government Code, as follows:

Sec. 30.01321. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 126. Amends Section 30.01326, Government Code, by amending Subsection (d) and adding

Subsection (g), to require a municipal judge to exercise powers under Section 30.00006(e), Government Code, and provide that Section 30.00007(b)(5), Government Code, does not apply to this subchapter.

SECTION 127. Amends Section 30.01329(a), Government Code, to require the clerk of the court to appoint the court reporter under Section 30.00010, Government Code.

SECTION 128. Amends Section 30.01371, Government Code, as follows:

Sec. 30.01371. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 129. Amends Section 30.01374, Government Code, by amending Subsection (d) and adding Subsection (k), to make conforming changes.

SECTION 130. Amends Section 30.01376(a), Government Code, to make conforming changes.

SECTION 131. Amends Section 30.01401, Government Code, as follows:

Sec. 30.01401. New Heading: APPLICATION; DEFINITION. Defines “appellate courts” and makes conforming changes.

SECTION 132. Amends Section 30.01406, Government Code, by adding Subsection (d), to make a conforming change.

SECTION 133. Amends Section 30.01441, Government Code, to define “appellate courts” and make conforming changes.

SECTION 134. Amends Section 30.01446, Government Code, by adding Subsection (f), to make conforming changes.

SECTION 135. Amends Chapter 30, Government Code, by adding Subchapters NN-RR, as follows:

SUBCHAPTER NN. TYLER

Sec. 30.01511. APPLICATION. Provides that this subchapter applies to the City of Tyler.

Sec. 30.01512. JUDGE. Provides that an appointed municipal judge presides over an MCR. Sets forth provisions for the use of a city manager appointing multiple municipal judges. Entitles a municipal judge to a certain salary. Prohibits the decrease of such a salary during the judge’s term of office. Prohibits the salary from being based on certain amounts.

Sec. 30.01513. CLERK; OTHER PERSONNEL. Requires the city manager to provide a clerk of the MCR. Requires the city manager to provide other personnel as necessary for the proper operation of the MCR. Requires certain entities to perform their duties under the direction and control of the city manager.

Sec. 30.01514. COURT REPORTER. Requires the municipal court clerk to appoint the court reporter.

Sec. 30.01515. APPEAL. Provides that the County Court of Smith County has jurisdiction over an appeal.

SUBCHAPTER OO. SANSOM PARK

Sec. 30.01541. APPLICATION. Provides that this subchapter applies to the City of Sansom Park.

Sec. 30.01542. MAGISTRATES. Authorizes the governing body to appoint magistrates as additions to those provided under Article 2.09, Code of Criminal Procedure. Limits a magistrate’s qualifications. Prohibits a magistrate from presiding over the court or hearing contested cases. Sets forth authorized actions of the magistrate.

Sec. 30.01543. CLERK; OTHER PERSONNEL. Requires the city administrator to appoint a clerk of the MCR, and sets forth duties for the clerk.

Sec. 30.01544. COURT REPORTER. Requires the clerk of the court to appoint a court reporter.

Sec. 30.01545. APPEAL. Provides that the county criminal courts of Tarrant County have jurisdiction over an appeal.

Sec. 30.01546. JOINT COURTS: CREATION. Authorizes the governing body of the city to contract with certain municipalities to establish a joint MCR to serve the contracting municipalities. Provides that such a joint court replaces each municipality's individual MCR.

Sec. 30.01547. JOINT COURT: JUDGES. Provides that a joint MCR is presided over by a municipal judge or alternate who is appointed for two years by a majority vote of each of the participating governing bodies. Sets forth provisions and justifications for the removal of a joint MCR judge.

Sec. 30.01548. JOINT COURTS: JURISDICTION. Provides that the combined jurisdiction of contracting municipalities composes the jurisdiction of the joint MCR. Provides that an appeal from a joint MCR is to the county criminal court of the county in which the offense occurred, or the county court of law of the county.

Sec. 30.01549. JOINT COURT: PROSECUTING ATTORNEY. Sets forth provisions for the provision and selection of a prosecuting attorney.

Sec. 30.01550. JOINT COURT: APPLICABLE LAW. Requires the municipalities to select an enabling statute as the source of applicable procedural requirements for the operation of the joint MCR. Provides that all of those provisions apply to the operation of the joint MCR, and sets forth provisions for a conflict. Requires certain matters to be resolved by the contract under Section 30.01546, Government Code.

SUBCHAPTER PP. FARMERS BRANCH

Sec. 30.01591. APPLICATION. Provides that this subchapter applies to the City of Farmers Branch.

Sec. 30.01592. CREATION. Requires the governing body of the city to use certain procedures in determining the method of selecting the MCR judge, on the creation of the initial MCR.

Sec. 30.01593. CLERK; OTHER PERSONNEL. Requires the city manager to appoint a municipal court clerk. Sets forth authorized actions of the clerk.

Sec. 30.01594. COURT REPORTER. Requires the clerk of the court to appoint the court reporter.

Sec. 30.01595. APPEAL. Provides that the county criminal courts of appeal of Dallas County have jurisdiction of appeals from the MCR.

SUBCHAPTER QQ. HILL COUNTRY VILLAGE

Sec. 30.01631. APPLICATION. Provides that this subchapter applies to the City of Hill Country Village.

Sec. 30.01632. CLERK; OTHER PERSONNEL. Requires the city secretary to be the clerk of the MCR, and makes conforming changes.

Sec. 30.01633. COURT REPORTER. Makes conforming changes.

Sec. 30.01634. APPEAL. Provides that the county courts at law of Bexar County have jurisdiction over an appeal.

SUBCHAPTER RR. RIO BRAVO

Sec. 30.01691. APPLICATION. Provides that this subchapter applies to the City of Rio Bravo.

Sec. 30.01692. CLERK; OTHER PERSONNEL. Requires the city manager or the city administrator to appoint a clerk of the MCR, and makes conforming changes.

Sec. 30.01693. COURT REPORTER. Makes conforming changes.

Sec. 30.01694. APPEAL. Provides that the county courts at law of Webb County have jurisdiction over an appeal.

SECTION 136. Amends Chapter 30, Government Code, by adding Subchapter SS, as follows:

SUBCHAPTER SS. LIVE OAK

Sec. 30.01721. APPLICATION. Provides that this subchapter applies to the City of Live Oak.

Sec. 30.01722. CLERK; OTHER PERSONNEL. Makes conforming changes.

Sec. 30.01723. COURT REPORTER. Makes conforming changes.

Sec. 30.01724. APPEAL. Makes conforming changes.

SECTION 137. Amends Chapter 30, Government Code, by adding Subchapter TT, as follows:

SUBCHAPTER TT. FLOWER MOUND

Sec. 30.01751. APPLICATION. Provides that this subchapter applies to the Town of Flower Mound.

Sec. 30.01752. COURT REPORTER. Requires the municipal court clerk to appoint the court reporter. Requires the town manager to set the court reporter's compensation.

Sec. 30.01753. APPEAL. Requires the appropriate county court of Denton County to have jurisdiction over any appeal.

SECTION 138. Repealers:

(1) 30.00042, 30.00043, 30.00044(a), (d)-(i), and (k), 30.00045, 30.00046(a) and (b), and 30.00047-30.00062, Government Code.

(2) 30.00082, 30.00083, 30.00084(a)-(g) and (i), 30.00086(b)-(d), and 30.00087-30.00101, Government Code.

(3) 30.00124-30.00127, 30.00128(a), (c), (d), (h), and (i), 30.00131-30.00135, 30.00148-30.00161, and 30.00163, Government Code.

(4) 30.00182, 30.00183, 30.00184(a)-(j), 30.00186(b)-(d), and 30.00187-30.00201, Government Code.

(5) 30.00222, 30.00223, 30.00224(a), (b), and (d)-(j), 30.00225, and 30.00227-30.00242, Government Code.

(6) 30.00262, 30.0263, 30.0264(a)-(j), 30.00267(b)-(d), and 30.00268-30.00282, Government Code.

(7) 30.00302, 30.00303, 30.00304(a) and (c)-(h), 30.00307, 30.00309, and 30.00311-30.00322, Government Code.

(8) 30.00342, 30.00343, 30.00344(a)-(j), 30.00346(b)-(d), and 30.00347-30.00361, Government

Code.

(9) 30.00382, 30.00383, 30.00384(a), (b), and (d)-(j), 30.00386, 30.00387, and 360.00389-30.00402, Government Code.

(10) 30.00422-30.00425, 30.00426(a)-(j), 30.00428(b)-(d), and 30.00429-30.00444, Government Code.

(11) 30.00462, 30.00463, 30.00464(a) and (c)-(e), 30.00465(a) and (c), 30.00466(b), and 30.00467-30.00476, Government Code.

(12) 30.00492, 30.00493, 30.00494(a)-(j), 30.00496(b)-(d), and 30.00497-30.00511, Government Code.

(13) 30.00532, 30.00533, 30.00534(a)-(e), 30.00535, 30.00536(b), and 30.00537-30.00547, Government Code.

(14) 30.00562, 30.00563, 30.00564(a)-(j), 30.00566(b)-(d), and 30.00567-30.00581, Government Code.

(15) 30.00602, 30.00603, 30.00604(a) and (c)-(e), 30.00605(a) and (c), 30.00606(b), and 30.00607-30.00616, Government Code.

(16) 30.00632, 30.00633, 30.00634(a)-(c) and (e)-(j), 30.00637(b)-(d), and 30.00638-30.00652, Government Code.

(17) 30.00672, 30.00673, 30.00674(a)-(h), 30.00675, and 30.00677-30.00688, Government Code.

(18) 30.00702, 30.00703, 30.00704(a) and (c)-(e), 30.00705, 30.00706(b), and 30.00707-30.00717, Government Code.

(19) 30.00732, 30.00733, 30.00734(a)-(f) and (h), 30.00735, 30.00737(a)-(c), and 30.00738-30.00754, Government Code.

(20) 30.00772, 30.00773, 30.00774(a)-(e), 30.00775-30.00777, 30.00779(a)-(e), and 30.00780-30.00794, Government Code.

(21) 30.00812, 30.00813, 30.00814(a)-(c), (e), and (f), 30.00815-30.00817, and 30.00819-30.00839, Government Code.

(22) 30.00852, 30.00853, 30.00854(a)-(c) and (e)-(j), 30.00856(b)-(d), and 30.00857-30.00871, Government Code.

(23) 30.00892, 30.00893, 30.00894(a)-(f), 30.00896(b)-(d), and 30.00897-30.00910, Government Code.

(24) 30.00932, 30.00933, 30.00934(b)-(d), 30.00935, 30.00936, 30.00938, 30.00939(b) and (c), and 30.00940-30.00954, Government Code.

(25) 30.00972-30.00975, 30.00976(a)-(d), 30.00978(b) and (d), and 30.00979-30.00992, Government Code.

(26) 30.01012, 30.01013, 30.01014(a)-(c) and (e)-(i), 30.01016(b)-(d), and 30.01017-30.01032, Government Code.

(27) 30.01052, 30.01053, 30.01054(a)-(c) and (e)-(j), 30.01056(b)-(d), and 30.01057-30.01071, Government Code.

(28) 30.01092-30.01095, 30.01096(b) and (c), 30.01097, 30.01098(b) and (c), 30.01099(b)-(e), and 30.01100-30.01113, Government Code.

(29) 30.01132, 30.01133, 30.01134(a)-(c) and (e)-(j), 30.01136(b)-(e), and 30.01137-30.01151, Government Code.

(30) 30.01172, 30.01173, 30.01174(a)-(c) and (e)-(j), 30.01176(b)-(d), and 30.01177-30.01191, Government Code.

(31) 30.01212-30.01215, 30.01216(b) and (c), 30.01217, 30.01218(b), 30.01219(b)-(e), and 30.01220-30.01233, Government Code.

(32) 30.01252, 30.01253, 30.01254(a)-(c) and (e)-(j), 30.01257(b)-(d), and 30.01258-30.01272, Government Code.

(33) 30.01292, 30.01293, 30.01294(a)-(c) and (e)-(j), and 30.01297-30.01311, Government Code.

(34) 30.01322-30.01325, 30.01326(a)-(c), (e), and (f), 30.01327, 30.01328(c), 30.01329(b)-(e), and 30.01330-30.01345, Government Code.

(35) 30.01372, 30.01373, 30.01374(a)-(c) and (e)-(j), 30.01376(b)-(d), and 30.01377-30.01391, Government Code.

(36) 30.01402-30.01405, 30.01406(a)-(c), 30.01407, 30.01409-30.01423, Government Code.

(37) 30.01442-30.01445, 30.01446(a)-(e), 30.01447, 30.01448(c) and 30.01449-30.01464, Government Code.

SECTION 139. (a) Effective date: September 1, 1999.

(b) Provides that a municipal judge serving on the effective date of this Act continues to serve out the elected or appointed term.

(c) Provides that a clerks, court reporters, or other court staff members, continue to serve out their terms, or serve until another person is appointed to that position.

(d) Makes application of this Act prospective regarding an offense.

SECTION 140. Emergency clause.